

COUNCIL OF THE CITY OF PHILADELPHIA  
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall  
Philadelphia, Pennsylvania  
Tuesday, October 30, 2018  
2:05 p.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR  
COUNCILWOMAN CINDY BASS  
COUNCILMAN ALLAN DOMB  
COUNCILMAN DEREK S. GREEN  
COUNCILWOMAN HELEN GYM  
COUNCILMAN BOBBY HENON  
COUNCILMAN CURTIS JONES, JR.  
COUNCILMAN DAVID OH  
COUNCILMAN BRIAN J. O'NEILL  
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ  
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILL 180649 - An ordinance amending Title 9 of  
The Philadelphia Code, entitled "Regulation of  
Businesses, Trades and Professions," by adding  
a new Chapter to require certain covered  
employers to provide "Fair Workweek Employment  
Standards" for certain employees...

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2                   COUNCILMAN GREENLEE: Thank  
3           you. Good afternoon, everybody. This is  
4           the Committee on Law and Government. We  
5           have attained a quorum with Vice Chair  
6           Councilman Derek Green, Councilwoman  
7           Helen Gym, and Councilman Curtis Jones,  
8           and myself, Bill Greenlee.

9                   Ms. Marconi, will you please  
10          read the title of our bill before us  
11          today.

12                   THE CLERK: Bill No. 180649, an  
13          ordinance amending Title 9 of The  
14          Philadelphia Code, entitled "Regulation  
15          of Businesses, Trades and Professions,"  
16          by adding a new Chapter to require  
17          certain covered employers to provide  
18          "Fair Workweek Employment Standards" for  
19          certain employees, including but not  
20          limited to reasonable notice of  
21          schedules, rest time between shifts, and  
22          opportunities for additional hours, and  
23          providing for enforcement and penalties,  
24          all under certain terms and conditions.

25                   COUNCILMAN GREENLEE: Thank

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2           you.

3                       Before we call our first  
4           witness, I want to recognize the sponsor  
5           of the bill, Councilwoman Gym.

6                       COUNCILWOMAN GYM: Thank you  
7           very much, Mr. Chairman.

8                       And good afternoon, everybody.

9           I want to thank everybody --

10                      (Applause.)

11                      COUNCILWOMAN GYM: I want to  
12           thank you all for being here today. I  
13           wanted to shout out a couple of people  
14           who are here to join us. I want to thank  
15           Congressman Bob Brady. I want to thank  
16           Jerry Jordan and Hillary Linardopoulos of  
17           the PFT; Mary Cathryn Ricker, who is  
18           Executive Vice President of the AFT. I  
19           want to thank President Wendell Young of  
20           UFCW; Judge Dodds; and Dave Ingersoll,  
21           who is the new General Chair of  
22           Brotherhood of Maintenance of Way  
23           Workers; Mick Barrett, General Chairman  
24           of the Communal Rail System; Anthony  
25           Sessa, Pennsylvania Federation of

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2           Teamsters; President Pat Eiding from the  
3           AFL-CIO; President Fred Wright, District  
4           Council 47; President Maureen May of  
5           PASNAP; Cecily Harwitt and Salewa  
6           Ogunmefun, tireless organizers at One PA;  
7           and so many of our partners. So I want  
8           to thank everybody for being out here,  
9           because --

10                        (Applause.)

11                   COUNCILWOMAN GYM: -- in a time  
12           of seeing global madness, we have today a  
13           chance to do something decent, good, and  
14           bold in our city, and that's win a fair  
15           workweek for the 100,000-plus service  
16           workers in our city who deserve a  
17           fighting chance.

18                        (Applause.)

19                   COUNCILWOMAN GYM: The push for  
20           a fair workweek began over a year ago  
21           when dozens of organizations came  
22           together to form the Fair Workweek PHL  
23           Coalition, driven by the real stories of  
24           working Philadelphians. I heard from  
25           families about the ways that their

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2           unstable schedules hurt them, their  
3           families, and their children.

4                   COUNCILMAN GREENLEE:

5           Councilwoman, one second.

6                   Please. I know some of you  
7           think you're speaking low, but when 40  
8           people speak low, it ain't low no more.  
9           Okay? So, please, if you need to have  
10          any conversation, please go outside in  
11          the hallway, because it's hard for us to  
12          hear and for the stenographer to take the  
13          wording down. Thank you.

14                  Councilwoman.

15                  COUNCILWOMAN GYM: Thank you,  
16          Mr. Chairman.

17                  So I heard from working moms  
18          who incurred childcare costs or lost  
19          childcare subsidies because their shifts  
20          and paychecks changed so drastically from  
21          week to week. I heard from a college  
22          student who has had to choose between  
23          staying in school or working at the job  
24          that paid for that school and had to drop  
25          out. I heard from families who can't

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2           predict their rent or put food on the  
3           table because they don't know how many  
4           hours of work or when their shifts will  
5           get cut.

6                       And so we've heard your  
7           stories. We've listened, because this is  
8           the people's house and --

9                       (Applause.)

10                      COUNCILWOMAN GYM: Over the  
11           past ten months, I've driven a robust  
12           engagement process, meeting with more  
13           than 80 businesses; held business, labor,  
14           and community roundtables; and we  
15           changed, edited, and evolved this bill to  
16           its current state.

17                      I want to thank the many  
18           business leaders in this room, Uncle  
19           Bobbie's, Cake Life, so many more who  
20           support this bill, because they know that  
21           caring for their employees is not only  
22           good for workers, it's good for business.

23                      (Applause.)

24                      COUNCILWOMAN GYM: Businesses  
25           have not only been heard, they've been at

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2           the table, and the dozens of amendments  
3           before this Committee reflect the sincere  
4           respect, engagement, and collaboration  
5           that our office has had from the start.

6                     But today it's time. In this  
7           city, in our city, in a city of liberty  
8           and on whose grounds democracy was  
9           formed, poverty is not going to be  
10          inevitable for our people. Poverty is  
11          not inevitable. Poverty is manufactured.  
12          And we can talk about this until we're  
13          blue in the face or we can do something  
14          about it, and today we're going to choose  
15          to do something about it.

16                    (Applause.)

17                    COUNCILWOMAN GYM: At the City  
18          Council, we can't raise the minimum wage  
19          in this city, though we sure as heck  
20          would. So we can make sure that folks  
21          making the lowest wages have schedules  
22          and hours that they can count on.

23                    I want to thank this Committee  
24          Chairman Bill Greenlee, who has  
25          championed labor rights for working

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2           people in Philadelphia throughout his  
3           tenure.

4                       (Applause.)

5           COUNCILWOMAN GYM: I want to  
6           thank my eight colleagues, including  
7           Councilman Jones and Councilwoman Maria  
8           Quinones-Sanchez, who are here, who  
9           co-sponsored this bill and who are eager  
10          to see it have its fair shot on the  
11          floor.

12                      (Applause.)

13          COUNCILWOMAN GYM: And I also  
14          thank my Committee members with whom  
15          we've met and worked with to move this  
16          bill out of Committee.

17                      So we are here today to say  
18          yes, yes to working families, yes to  
19          smart business, yes to our people. We  
20          are here on your side. We thank you for  
21          your stories. It's time for fair work in  
22          our city. Let's get started.

23                      (Applause.)

24          COUNCILMAN GREENLEE: Thank  
25          you, Councilwoman. You sure know how to



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2 draw a crowd, I'll give you that.

3 The record will please reflect  
4 Councilman Oh, a member of the Committee,  
5 is present and also Councilwoman Reynolds  
6 Brown and Councilwoman Quinones-Sanchez.

7 If there are no other comments  
8 at this present time, please, Ms.  
9 Marconi, our first witness, please.

10 THE CLERK: Congressman Robert  
11 Brady.

12 (Applause.)

13 (Witness approached witness  
14 table.)

15 COUNCILMAN GREENLEE: Good  
16 afternoon, Congressman. Thank you for  
17 coming. Please identify yourself and  
18 proceed. We all know you, but go ahead  
19 anyway.

20 CONGRESSMAN BRADY: Thank you.  
21 Thank you, Councilman, for inviting me  
22 here and for having this Committee  
23 hearing, and thank you, Council Lady Gym,  
24 for introducing this bill and my  
25 Councilman, Councilman Jones, Councilman

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2           Oh, Councilman Green, Council Lady  
3           Quinones, and also Blondell Reynolds  
4           Brown. Thank you.

5                     I sat in Billy Greenlee's seat.  
6           That's no indication. It don't mean  
7           anything. He just let me sit there. But  
8           I also have a statement that I would ask  
9           if the Sergeant-of-Arms would pass it  
10          out.

11                    It used to be my job to do this  
12          many years ago, so I appreciate you.  
13          Thank you.

14                    I also have a letter that I  
15          sent to every Councilperson expressing my  
16          support for this bill.

17                    I'm proud to have worked for  
18          decades to ensure that Philadelphia is a  
19          working town. I sit before you today to  
20          express me full support for the fair  
21          scheduling bill introduced by  
22          Councilwoman Gym, Henon, Greenlee,  
23          Quinones-Sanchez, Squilla, Johnson,  
24          Blackwell, and Jones.

25                    Bill 180649 would provide basic

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2       protections to service-sector workers  
3       across our city, whose pay is too low,  
4       much too low as exists today, and who you  
5       cannot support their families because of  
6       how unpredictable and unstable work  
7       schedules can be.

8               Every working person should  
9       have a fair workweek, reliable hours, and  
10      decent pay, so we can care and support  
11      our families and build thriving  
12      communities.

13              Rather than understanding the  
14      real lives of working people, too many  
15      employers, especially big corporations,  
16      have been treating employees as a cost to  
17      be contained rather than as the people  
18      who drive their success, as a fair  
19      workweek at decent pay with enough  
20      reliable hours is key to working people  
21      being able to care for and support their  
22      families, keeping healthy, and build  
23      thriving communities.

24              This bill provides truly basic  
25      protections that all workers should have.

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2           Workers should have advanced notice of  
3           their schedules. Workers should have the  
4           ability to rest, care for themselves, and  
5           care for their families between shifts.

6                     Let me be clear, on-call  
7           scheduling is abusive. Workers should be  
8           compensated for the last-minute  
9           scheduling changes. Workers should have  
10          access to more hours. In a Commonwealth  
11          that refuses to raise the minimum wage,  
12          new hours helps lift our brothers and  
13          sisters out of poverty.

14                    This is a commonsense  
15          legislation. It is our responsibility as  
16          lawmakers to guarantee protection that  
17          many of us take for granted.

18                    This bill is also good  
19          business. Many of our small businesses  
20          thrive because of their commitment to  
21          fair workweek standards, and many  
22          corporations are already adopting many of  
23          the provisions in this bill.

24                    Studies have shown that when  
25          workers have a fair workweek, profits,

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2           productivity, and retention will go up.

3                     While Seattle, San Francisco,

4           New York, San Jose, and the State of

5           Oregon have already beat us to the punch,

6           Philadelphia has the responsibility to

7           provide the same basic standards that are

8           provided to workers in these cities.

9           Philadelphia has the unique

10          responsibility to also guarantee hotel

11          workers, who experience considerable

12          instability and constant scheduling

13          changes, with fair scheduling

14          protections.

15                     With this bill, City Council

16          has the opportunity to stand with

17          workers, plain and simple.

18                     The legacy of Philadelphia as a

19          working town depends on you. Please

20          stand with me and support fair workweek

21          protections for our service-sector

22          workers.

23                     Mr. Chairman, that's my

24          statement, but I also want to say a few

25          things that need to be said. We have a

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2           minimum wage of 7.25. More than half of  
3           the states in the United States are  
4           higher than that. That's a disgrace in  
5           itself, and that's an argument for  
6           hopefully some other day.

7                        (Applause.)

8                        CONGRESSMAN BRADY: Life is  
9           scheduling. Mortgages are scheduled, our  
10          rent is scheduled, car payments are  
11          scheduled, registrations, licenses are  
12          scheduled, insurance, all bills, schools  
13          are scheduled. Why not the workplace?  
14          Why not the workplace to be scheduled?

15                       (Applause.)

16                       CONGRESSMAN BRADY: Most  
17          important is our families. Our families  
18          suffer. Nobody knows better than me that  
19          I had to -- we have a schedule and they  
20          break it constantly down in Washington.  
21          I had to work New Year's Day, New Year's  
22          Eve, Christmas. I had to work Easter.  
23          And it's not so much that I got to be  
24          there, but I think my family, believe it  
25          or not, may miss me, may miss me when I'm

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2           not home and want me back home.

3                   That should not happen in the  
4           City of Philadelphia with the  
5           responsibility that we have,  
6           responsibility as lawmakers.

7                   So, again, it's my honor and my  
8           pleasure to be here to testify for the  
9           men and working people that make this  
10          city move.

11                   Thank you all. I hope you all  
12          do the right thing and pass this bill.

13                   (Applause.)

14                   COUNCILMAN GREENLEE: Thank  
15          you.

16                   No questions on the Committee?

17                   CONGRESSMAN BRADY: I'll  
18          entertain a couple of questions.

19                   COUNCILMAN GREENLEE:  
20          Councilwoman Reynolds Brown, did you want  
21          to say something?

22                   COUNCILWOMAN BROWN: I will  
23          have a couple of questions.

24                   COUNCILMAN GREENLEE: Of the  
25          Congressman?

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2                   COUNCILWOMAN BROWN: Yes.

3                   COUNCILMAN GREENLEE: All

4 right. Please.

5                   COUNCILWOMAN BROWN: Thank you,  
6 Mr. Congressman, for your important voice  
7 this morning on an issue that  
8 Councilwoman Gym has been very, very  
9 circumspect and thoughtful in traveling  
10 down this road.

11                   I want to hear your thoughts  
12 around collective bargaining agreements.  
13 The industry concern that has been  
14 brought to the attention of many members  
15 of Council, and I quote, union employees  
16 and employers will both face uncertainty  
17 over whether the contract or the  
18 ordinance controls. Employers will be  
19 subject to contract sanctions if they  
20 comply with the law and with regulatory  
21 sanctions if they comply with the  
22 collective bargaining agreement. And  
23 then union leadership has expressed  
24 concerns as well. Seattle, in fact,  
25 opted out of the bill around the



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2       collective bargaining agreements.

3               So can you just share with us  
4       your thoughts and what you believe we  
5       should consider as we look at this  
6       important issue?

7               CONGRESSMAN BRADY: Well, as  
8       you all know, I've been involved in many  
9       union disputes throughout the City of  
10      Philadelphia, and I found that every  
11      union member and every representative,  
12      every labor leader, every president, vice  
13      president, treasurer that's involved with  
14      any union is out for the benefit of the  
15      working men and women, and if they could  
16      put collective bargaining where they can  
17      have the scheduling put in, I'm sure that  
18      they would, because I'm sure that every  
19      union in the City is for that. That  
20      would be a good thing to do. That would  
21      take it out of your hands, put it in the  
22      collective bargaining agreement that they  
23      have a schedule that every worker has,  
24      and I think that our unions, for the most  
25      part -- for the whole part, I'm sure, are

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2           for that. And if I could be helpful  
3           toward them to try to help negotiate that  
4           with any of their employees, I will do  
5           that too.

6                   COUNCILWOMAN BROWN: Okay.

7                   CONGRESSMAN BRADY: Thank you.

8                   COUNCILWOMAN BROWN: Thank you,  
9           Mr. Congressman.

10                   Thank you, Mr. Chairman.

11                   COUNCILMAN GREENLEE: Thank  
12           you.

13                   Any other questions?

14                   (No response.)

15                   COUNCILMAN GREENLEE:  
16           Congressman, again, thank you, and thank  
17           you for fighting the good fight for  
18           Philadelphia in Washington.

19                   CONGRESSMAN BRADY: Thank you,  
20           Billy.

21                   (Applause.)

22                   COUNCILMAN GREENLEE: Ms.  
23           Marconi, our first panel, please.

24                   THE CLERK: Earlene Bly, Juan  
25           Mulet, Raymond Ortiz, and Lekesha

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2           Wheelings.

3                   COUNCILMAN GREENLEE: Please  
4           come up.

5                   (Witnesses approached witness  
6           table.)

7                   COUNCILMAN GREENLEE: While  
8           they're being seated, if I could have  
9           everybody's attention on this. We have  
10          an extremely long list of witnesses. We  
11          have at least eight panels, and there  
12          might have been more people signed up.

13                   I want everybody to get their  
14          point across, but I really ask that you  
15          try to be as concise as possible. I also  
16          ask that if you have written testimony  
17          that you've submitted -- and I know a lot  
18          of people have -- that will be made part  
19          of the record. I would just ask that you  
20          just not sit there and read that, if you  
21          could summarize that. So if you have  
22          written testimony, if you could work on  
23          that to summarize it.

24                   I think about three minutes for  
25          everybody makes sense. I have a timer

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2           here. I will resist using that unless it  
3           seems like we're getting way too far in  
4           people's testimony, because, again, I  
5           want to be fair to people who are sitting  
6           there and waiting to testify.

7                        So with that, whoever would  
8           like to go first. I think, Ms. Bly, you  
9           were mentioned first. If you just speak  
10          right in the microphone, state your name  
11          for the record, and proceed, please.

12                       MS. BLY: Hi. My name is  
13          Earlene Bly and I've been a housekeeper  
14          for the past 25 years, and I've been at  
15          the Wyndham Historic District for the  
16          past nine years.

17                       No matter what hotel you work  
18          at, being a housekeeper is hard. You  
19          usually have about 30 minutes to clean  
20          each room -- that's including the  
21          bathroom -- no matter what condition it's  
22          in. It's physically demanding and it's  
23          one of the most injury-prone jobs in the  
24          country. It takes a toll on your body.  
25          Believe me, I know. I just had a double

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2           hip replacement a few months ago. Okay?

3                     One thing I can say about my  
4           hotel is that I can leave work when my  
5           shift is over. Okay? I'm going to say  
6           it one more time. I can leave work when  
7           my shift is over. That might sound  
8           obvious to you, but these days I spend a  
9           lot of time talking to other housekeepers  
10          at other hotels throughout the City. I  
11          found that many workers don't have the  
12          right to leave work when their shift  
13          ends. They show up in the morning and  
14          they stay until the work is done, no  
15          matter what time it is. Sometimes it  
16          might not be until 7 or 8 o'clock at  
17          night or even later sometimes.

18                    There are women cleaning rooms  
19          right now just a block away from here who  
20          don't know what time they will be leaving  
21          tonight.

22                    I've talked to mothers who have  
23          to pay a dollar a minute in late fees  
24          from their daycare when they can't get  
25          out of work on time. They say you got --

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2           let's say you got two kids in daycare and  
3           you're 30 minutes late to pick them up.  
4           That's \$60 that you have to pay. Even if  
5           you work a little bit of overtime, it's  
6           not going to be enough to make up for  
7           those late fees, especially when it's two  
8           or three times a week.

9                     You know, some hotels might say  
10          there is no way to make the fair workweek  
11          for their business, but why is it at my  
12          hotel workers leave on time and there's  
13          no problem, but at other hotels they  
14          can't? It makes no sense to me.

15                    Some might argue that hotel  
16          workers earn too much money. I mean,  
17          come on, that's funny.

18                    That just threw me off. Sorry.  
19          We don't make that much money.

20                    Let's imagine you earn \$16 an  
21          hour and you get 35 hours a week. That  
22          might put you a step above the lowest  
23          paid workers in the City, but you're  
24          still only earning \$29,000 a year.  
25          That's less than half the area median

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2           income. According to HUD, that's not  
3           just low income. That's considered very  
4           low income for our area.

5                     The sky is not going to fall if  
6           you give workers fair workweek  
7           protections. It's common sense and it's  
8           common decency, you know.

9                     (Applause.)

10                    MS. BLY: Thank you.

11                    It's the right thing to do.

12           And I want to thank the leaders on City  
13           Council who support this bill for having  
14           the vision and courage to do what's right  
15           for Philadelphia. Most of us in the  
16           service industry, we are black, we are  
17           women, and all of us deserve a fair  
18           workweek.

19                    Thank you for your support.

20                    COUNCILMAN GREENLEE: Thank  
21           you.

22                    (Applause.)

23                    COUNCILMAN GREENLEE: Before  
24           the next speaker, please let the record  
25           reflect that Committee members

1           10/30/18 - LAW & GOV. - BILL 180649  
2           Councilwoman Gym and Councilman O'Neill  
3           are present.

4                       Whoever would like to go --  
5           what did I say? It's only been 25  
6           minutes. I'm really in trouble.  
7           Councilwoman Cindy Bass is present.  
8           Thank you.

9                       COUNCILWOMAN BASS: Thank you.

10                      COUNCILMAN GREENLEE: Please  
11           speak right in the microphone and  
12           identify yourself for the record and  
13           proceed.

14                      MS. WHEELINGS: Hi. My name is  
15           Lekesha Wheelings. I've lived here in  
16           Philadelphia my whole life. I want to  
17           thank you for hearing my testimony today,  
18           because I wasn't sure I was going to be  
19           able to attend until just a few days ago,  
20           because I only get 48 hours advanced  
21           notice of my schedule from one workweek  
22           to the next. But I'm glad I could be  
23           here today.

24                      For the past 12 years, I've  
25           worked as a cook at the Philadelphia



1           10/30/18 - LAW & GOV. - BILL 180649  
2           Marriott downtown, the largest hotel in  
3           Pennsylvania.

4                     In my kitchen, there's so much  
5           work to be done and not enough people to  
6           do it. For the past five years,  
7           occupancy in my hotel has gone up, but  
8           the hotel has cut over 100 jobs. The  
9           total number of hours worked by the  
10          hotel's employees is down 17 percent. I  
11          made \$5,000 less in 2017 than I did in  
12          2016 because of reduced hours.

13                    Last-minute scheduling may be  
14          good business for my employer, but let me  
15          tell you, as an employee, it creates a  
16          lot of challenges.

17                    My youngest set of twins were  
18          five years old when I started working at  
19          this hotel. My oldest set of twins were  
20          15. It's hard to raise a family with no  
21          control over your schedule. Often I'm  
22          not home to help them with their  
23          homework. I have to get relatives to  
24          come help out. Most days I leave for  
25          work when they're in school and I come

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2           home when they're asleep.

3                   I love my job. I do. And I  
4           know that I have to do this to take care  
5           of my family, but I've made a lot of  
6           sacrifices working in the hotel industry.  
7           I've had to apologize to my children for  
8           not being able to go on trips with them.  
9           Events would come up and I just have to  
10          give them money instead of going with  
11          them. I've even had to apologize for not  
12          being able to tuck them into bed at night  
13          and give them a kiss. I tell them, mommy  
14          has to do this to pay bills.

15                   We work hard in Philadelphia.  
16          You can see that the City is growing in  
17          so many ways. Hotels and tourism are an  
18          important part of that, but sometimes it  
19          feels like we're not getting ahead.  
20          Implementing a fair workweek is the way  
21          forward for our city.

22                   I understand that some in the  
23          hotel industry may not think it's fair to  
24          ask employers to give workers advanced  
25          notice of their schedule and access to

1       10/30/18 - LAW & GOV. - BILL 180649  
2       full-time hours. They may say the hotels  
3       can't afford it. But if we're serious  
4       about ending poverty in Philadelphia and  
5       giving working people a decent life, the  
6       City cannot afford -- the City can't  
7       afford not to pass this bill to support  
8       me --

9                   (Applause.)

10               MS. WHEELINGS: -- to support  
11       me, my co-workers, and 130,000 people  
12       working in Philadelphia's service  
13       industry.

14               Thank you.

15               COUNCILMAN GREENLEE: Thank  
16       you.

17               (Applause.)

18               MR. MULET: Hello. My name is  
19       Juan Mulet. I'm 23 years old and I come  
20       from a family born and raised  
21       Philadelphians. My parents got divorced  
22       when I was a kid, so I grew up between  
23       the Northeast and North Philadelphia. I  
24       graduated from Franklin Learning Center  
25       and I've been trying to make ends meet

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2           since then with service jobs, just like  
3           130,000 other workers in the City.

4                     My first retail job was Forever  
5           21 where I worked full time. When I told  
6           them I was going back to school at  
7           Community College of Philadelphia, my  
8           manager screamed at me for changing my  
9           availability. I was only going to school  
10          for two days a week and I already had got  
11          two days off per week, so I didn't  
12          understand what was the problem. But  
13          they cut me down to one day a week as a  
14          punishment, and I couldn't live on one  
15          day a week, especially making 7.50 an  
16          hour.

17                    My manager told me they didn't  
18          fire people, they just cut them off the  
19          schedule. So when I stopped getting put  
20          on the schedule, I knew I had to look for  
21          a new job.

22                    I started working at a small  
23          cafe where I work now. My manager texts  
24          me on a Sunday night to tell me my hours  
25          for the week starting the next day. I

1           10/30/18 - LAW & GOV. - BILL 180649  
2           can't schedule doctor's appointments, so  
3           I haven't had a physical in two years. I  
4           wanted to get braces, but I couldn't  
5           schedule the appointments to get my  
6           cavities filled, so I got Invisalign  
7           instead, because they're sent to you in  
8           the mail. I did that when I was working  
9           full time this summer and I could afford  
10          the \$80 a month, but then the owner hired  
11          a bunch more employees and my hours got  
12          slashed. Last week I wasn't even on the  
13          schedule, and I'm a month behind on my  
14          payments. They work with me, but I'm up  
15          to \$2,000 on my credit card bill and they  
16          don't want to work with me anymore. I'm  
17          behind on my phone bill, and every time  
18          I'm late, they add another fee. I had to  
19          borrow money from my family members, and  
20          it's a huge burden on my dad, who is  
21          supporting the whole family. My mom is  
22          disabled and I want to help her out, but  
23          I can't.

24                       When I stopped getting enough  
25          hours at the cafe, I got a second job at

1           10/30/18 - LAW & GOV. - BILL 180649  
2           Skechers. But they still only gave me  
3           one or two days a week, and it was  
4           different days every time. My manager  
5           would say, you're working Friday, but not  
6           tell me the time until the day of. At  
7           first, I thought she was just trying to  
8           squeeze me in to get more hours, but it  
9           kept happening, so I realized that's just  
10          how they did the schedule.

11                   Having two jobs that are  
12          constantly changing is scary. If I'm  
13          getting my schedule sent to me randomly,  
14          I don't know how much I'm going to get  
15          paid. I'm stressed out all month because  
16          I don't know whether or not I'm going to  
17          be able to pay my bills.

18                   If I had a fair workweek, I'll  
19          have so much less stress. I'll be able  
20          to go to the doctor, see my friends, and  
21          help my mom out. I wouldn't be  
22          constantly stressed about all the late  
23          fees. I'll be able to focus better in  
24          school.

25                   I'm in school for theatre and I

1           10/30/18 - LAW & GOV. - BILL 180649  
2           dream of moving to LA to be an actor, but  
3           I can barely pay my bills, let alone save  
4           up to pursue my dreams. This affects so  
5           many people I know, like my sister who  
6           had worked at Dunkin Donuts for ten years  
7           without a raise and my brother who had  
8           worked at Rita's.

9                       Behind me are signatures from  
10          thousands of Philadelphians who have  
11          supported this bill.

12                      (Applause.)

13                      COUNCILMAN GREENLEE: Thank  
14          you. Thank you very much.

15                      Sir, please, identify yourself  
16          and proceed.

17                      MR. ORTIZ: Good afternoon. My  
18          name is Raymond Ortiz. I'm a fast food  
19          worker in New York City, and I'm a member  
20          of Fast Food Justice, an organization  
21          advocating for fast food workers in New  
22          York City. I want to start by thanking  
23          the Philadelphia City Council for hearing  
24          my testimony today.

25                      Fast Food Justice is a

1           10/30/18 - LAW & GOV. - BILL 180649  
2           non-profit organization of fast food  
3           workers who came together to tackle the  
4           workplace and community issues. We have  
5           over 2,600 members and continue to grow.  
6           I joined Fast Food Justice and encouraged  
7           almost my entire store to join as well.

8                       While FFJ is new, fast food  
9           workers in New York City have been coming  
10          together to improve their lives for  
11          years. Several years ago we won  
12          legislation that increased the fast food  
13          minimum wage from 7.25 to what will be 15  
14          an hour by the end of 2018.

15                      Fast food workers also fought  
16          for --

17                      (Applause.)

18                      MR. ORTIZ: Thank you.

19                      Fast food workers also fought  
20          for and won a fair week, which took  
21          effect in November of 2017. The fair  
22          week laws have changed my co-workers'  
23          lives for the better, and that is why I  
24          thought it was so important for me to  
25          come here from New York City to testify



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2           today.

3                       Before we had a fair week law,  
4           our lives were chaotic. We weren't  
5           getting schedules in advance, so we could  
6           never plan ahead for doctor's  
7           appointments, classes or even making  
8           dinner arrangements. I would wait around  
9           for a phone call to come into work, and  
10          if I didn't get one, I would lose a whole  
11          day. Our schedules would change at the  
12          last minute, so we never knew how much  
13          money we would bring home. We weren't  
14          getting enough hours, and we watched new  
15          people get hired even though we needed  
16          those hours. The fair week law requires  
17          employers to provide our schedules in  
18          writing two weeks in advance, pay us  
19          premium pays for last-minute schedule  
20          changes, ensure that we get enough rest  
21          between shifts, and that the current  
22          employees get more hours before new hires  
23          are brought on.

24                      After the laws were passed, FFJ  
25          organizers came to the stores and asked

1           10/30/18 - LAW & GOV. - BILL 180649  
2       workers whether the fair week laws were  
3       being followed, and organized to have  
4       workers file complaints with the NYC  
5       Department of Consumer Affairs, the city  
6       agency that enforces the fair week laws.  
7       I went to DCA with many of my co-workers  
8       and we filed complaints about the fair  
9       week violations.

10           The DCA has been conducting  
11       investigations, and things have started  
12       to change. Because of those fair week  
13       laws and because of fast food workers  
14       that came together to ensure they are  
15       being enforced, I can finally schedule my  
16       life outside of work. I can make time  
17       for doctor's appointments, spend more  
18       time with my family. I get my schedule  
19       two weeks in advance, and I can say no to  
20       last-minute shift changes.

21           We've also taken a bold step to  
22       transform the work we do into  
23       family-sustaining jobs and better  
24       communities that we live in.

25           Thank you again for hearing my

1           10/30/18 - LAW & GOV. - BILL 180649  
2           testimony today. We also successfully  
3           implemented fair week laws in New York  
4           City, and I think also Philadelphia can  
5           do it also.

6                   COUNCILMAN GREENLEE: Thank  
7           you. Thank you, sir.

8                   (Applause.)

9                   COUNCILMAN GREENLEE: Thank you  
10          very much.

11                   (Audience members chanting.)

12                   COUNCILMAN GREENLEE: Okay.  
13          Please let the record reflect Councilman  
14          Domb is present at the hearing.

15                   Ms. Marconi, our next witness,  
16          please.

17                   THE CLERK: Rich Lazer.

18                   (Witnesses approached witness  
19          table.)

20                   COUNCILMAN GREENLEE: Welcome  
21          to you both. Mr. Lazer, I think you know  
22          how this place works, so if you identify  
23          yourself and proceed.

24                   DEPUTY MAYOR LAZER: I think I  
25          do.

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2                   COUNCILMAN GREENLEE: Thank

3           you.

4                   DEPUTY MAYOR LAZER: Thank you.

5                   Good afternoon, Chairman

6           Greenlee and members of the Law and

7           Government Committee. My name is Richard

8           Lazer, Deputy Mayor for Labor for Mayor

9           Jim Kenney. I'm joined here today by

10          Sylvie Gallier Howard, the First Deputy

11          Commerce Director, who is available to

12          answer any questions you may have.

13                   Thank you for the opportunity

14          to appear before you today to testify on

15          Bill No. 180649, which amends Title 9 of

16          The Philadelphia Code to add a new

17          Chapter that will require covered

18          employers to provide "Fair Workweek

19          Employment Standards" for their

20          employees.

21                   The Administration supports the

22          goal of a fair workweek for

23          Philadelphians. We believe that one

24          full-time job should be enough for an

25          individual to provide a life for

1       10/30/18 - LAW & GOV. - BILL 180649  
2       themselves and their families. Our  
3       Administration has taken multiple steps  
4       to address the issue of systemic poverty  
5       in Philadelphia, like expanded pre-K,  
6       community schools, the investing in our  
7       Office of Workforce Development, and our  
8       plan, Fueling Philadelphia's Talent  
9       Engine. Additionally, we have  
10      transmitted for City Council's  
11      consideration legislation that would  
12      increase the minimum wage for City  
13      employees and the employees of our  
14      contractors and subcontractors to \$15 an  
15      hour over the next several years.

16                (Applause.)

17               DEPUTY MAYOR LAZER: Every day  
18      we are working to develop new and more  
19      effective ways to help those living in  
20      poverty. That is why we agree that a  
21      fair workweek for retail, food service,  
22      and hospitality workers across  
23      Philadelphia will advance our shared goal  
24      of reducing poverty and will go a long  
25      way to ensuring our hard-working citizens

1           10/30/18 - LAW & GOV. - BILL 180649  
2           have the dignity of stable employment and  
3           a steady schedule.

4                       With that said, we must ensure  
5           that this new regulation will actually  
6           achieve the intended result and does so  
7           without having a negative impact on our  
8           ability to retain, attract, and expand  
9           businesses and employment here in  
10          Philadelphia. We support the aim of  
11          ensuring more predictability for  
12          employees in these industries. We must  
13          ensure that the framework of this  
14          legislation meets the unique needs of  
15          Philadelphia given the structural and  
16          economic challenges we face in our city.  
17          By striking a balance, the legislation  
18          can provide important protections for  
19          workers while also allowing businesses  
20          the latitude to make decisions that match  
21          their individual needs.

22                      We understand that there  
23          continue to be productive conversations  
24          on the right way to implement the fair  
25          workweek legislation, and we stand ready

1       10/30/18 - LAW & GOV. - BILL 180649  
2       to provide any assistance and support we  
3       can to help with that effort.

4               As the lead sponsor of the  
5       legislation, Councilwoman Gym and her  
6       team have put in a great deal of hard  
7       work facilitating meetings, roundtables,  
8       and conversations where businesses,  
9       advocacy groups, and even other municipal  
10      legislators have had a chance to meet  
11      face to face and talk through their  
12      concerns. We would like to thank  
13      Councilwoman Gym for her continued  
14      leadership on this matter, and we commit  
15      to continuing to work with all parties to  
16      move Bill No. 180649 forward.

17             We believe that a fair workweek  
18      will bring us closer to a fair and  
19      equitable Philadelphia for all workers.

20             Thank you for the opportunity  
21      to testify here today. Sylvie and I are  
22      happy to answer any questions that you  
23      may have.

24             COUNCILMAN GREENLEE: Thank  
25      you, sir.

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2 (Applause.)

3 COUNCILMAN GREENLEE: And as  
4 you said, the Councilwoman has  
5 facilitated a lot of meetings and, as a  
6 result, there are numerous amendments  
7 going to be offered to get where -- as  
8 you said, to make this work for  
9 everybody, and those amendments will be  
10 offered today.

11 Any questions from the  
12 Committee?

13 Councilman Oh.

14 COUNCILMAN OH: Thank you very  
15 much for your testimony.

16 So that I'm clear, it sounded  
17 to me as though the testimony was that  
18 the Administration supports the aims and  
19 goals, understands that there has to be a  
20 proper balance struck between employers  
21 and employees and, therefore, encourages  
22 continued collaborations to reach that  
23 balance. Is that correct or incorrect?

24 DEPUTY MAYOR LAZER: So, I  
25 mean, I think part is correct. We do



1           10/30/18 - LAW & GOV. - BILL 180649  
2           agree with the bill. We do agree that  
3           there has been numerous conversations on  
4           all sides. We know the Councilwoman has  
5           been in continuous contact with us and  
6           with different groups. So, like I said,  
7           I think the goal is to combat poverty,  
8           and we feel like this legislation will do  
9           that and help folks get additional hours  
10          and predictable schedules.

11                   (Applause.)

12                   COUNCILMAN OH: And what about  
13          the other part?

14                   DEPUTY MAYOR LAZER: Like I  
15          said, we've also heard -- and I can turn  
16          it over to Sylvie from Commerce, but I  
17          know we've also heard from businesses and  
18          some of the concerns they have, and we  
19          also see that, and I think there's  
20          continued support. I know there will be  
21          amendments today to take up some of their  
22          concerns.

23                   COUNCILMAN OH: Okay. Are you  
24          aware of what the amendments are?

25                   DEPUTY MAYOR LAZER: Yes.

1           10/30/18 - LAW & GOV. - BILL 180649

2                   COUNCILMAN OH: Okay. So  
3       provided those amendments are  
4       incorporated in the bill, you support it  
5       or regardless you support the bill?

6                   DEPUTY MAYOR LAZER: Yeah. I  
7       think we've seen the amendments, but I  
8       think, like I said, there are still some  
9       concerns. But we do support the fair  
10      workweek legislation and we think --

11                   (Applause.)

12                   COUNCILMAN OH: All right.  
13      Thank you.

14                   DEPUTY MAYOR LAZER: But we  
15      know there's ongoing conversations as  
16      well.

17                   COUNCILMAN GREENLEE: And I  
18      think after this or what happens today,  
19      the conversations will continue; am I  
20      right?

21                   DEPUTY MAYOR LAZER: Yes.

22                   COUNCILMAN GREENLEE: Okay.

23      Thank you.

24                   Councilwoman Bass.

25                   Let me do the Committee, if

1           10/30/18 - LAW & GOV. - BILL 180649

2           possible.

3                     Councilwoman Bass.

4                     COUNCILWOMAN BASS:   Good

5           afternoon.

6                     DEPUTY MAYOR LAZER:   Good

7           afternoon.

8                     COUNCILWOMAN BASS:   I just had  
9           a quick question.  I think that the City  
10          overall, we have a problem with  
11          enforcement.  So while this is a piece of  
12          legislation that is needed for a lot of  
13          different reasons and a lot of good  
14          things in here with some of the  
15          amendments, I wanted to know how will the  
16          City -- have we thought about, have we  
17          given consideration to enforcement?  
18          Because the fact of the matter is, we  
19          have a lot of really good ordinances on  
20          the books that we do not enforce.

21                    DEPUTY MAYOR LAZER:   Correct.

22                    COUNCILWOMAN BASS:   So we want  
23          to make sure that this is something that  
24          you've given some thought to in terms of  
25          how you're going to make sure that we

1           10/30/18 - LAW & GOV. - BILL 180649  
2           don't just pass something out, that it's  
3           actually something that's going to make a  
4           difference.

5                       DEPUTY MAYOR LAZER: No.  
6           Definitely. I appreciate that question.  
7           So the office now, we are hiring a new  
8           person to run the office that would  
9           handle this legislation. We have two  
10          employees in there now. And Councilman  
11          Greenlee always -- or Chairman Greenlee  
12          always helps me every year try to build  
13          on that office through the budget  
14          process. But in the legislation, if  
15          moving forward, we would like to try to  
16          get additional staff into that, and then  
17          we will spend time -- we usually work  
18          with the advocacy groups and on the  
19          business side to try to create  
20          regulations for the implementation of it,  
21          and then we roll out that, and there's a  
22          period of time, and then we do kind of  
23          like a soft making sure everybody --  
24          because a lot of times in the very  
25          beginning when we do legislation, like

1           10/30/18 - LAW & GOV. - BILL 180649  
2       paid sick leave and wage theft, some  
3       businesses maybe don't know all the  
4       technical pieces of it, so we walk folks  
5       through it. But then I think with the  
6       additional staff and the staff that we  
7       have in there now and the new leadership  
8       that will be coming in in that group,  
9       we'll be able to enforce this and make  
10      sure that folks are following it.

11           COUNCILWOMAN BASS: Okay. So  
12      you have given some thought to it, and I  
13      guess essentially the idea is to hire  
14      additional staff --

15           DEPUTY MAYOR LAZER: Yes.

16           COUNCILWOMAN BASS: -- and to  
17      work with the coalitions to build the  
18      regulations to properly do the  
19      enforcement?

20           DEPUTY MAYOR LAZER: Right,  
21      definitely.

22           COUNCILWOMAN BASS: Okay.  
23      Thank you.

24           DEPUTY MAYOR LAZER: Thank you.

25           COUNCILMAN GREENLEE: Thank

1           10/30/18 - LAW & GOV. - BILL 180649  
2           you, Councilwoman. And just to expound a  
3           little bit on what Mr. Lazer said, I know  
4           that was an issue with paid sick leave  
5           and wage theft when we passed those  
6           legislation, and I think we kind of  
7           learned as time went on that it might  
8           take a little bit more staff, and  
9           certainly with another piece of  
10          legislation, it will take some more, but  
11          I think we certainly have moved forward  
12          in that. And I think the good thing  
13          about what they have done is, they try to  
14          work, when there appears to be  
15          violations, they try to work, instead of  
16          being punitive right away, to see if  
17          everybody understands what the laws are,  
18          because if not -- we know it because we  
19          live it every day, but some people don't,  
20          and I think they've worked real hard in  
21          trying to work that out, and I think with  
22          additional staff, I think it can work  
23          even much better and much more smoothly.

24                   DEPUTY MAYOR LAZER: Yeah. And  
25          I think just to add on to that, I think

1       10/30/18 - LAW & GOV. - BILL 180649  
2       the other piece was before this  
3       Administration, things were kind of  
4       scattered in different areas. MDO had a  
5       piece. So I think the goal of my office  
6       and the goal of the Mayor's Office of  
7       Labor is kind of try to pull all these  
8       workforce protection laws and enforcement  
9       under one body, which we have done, and  
10      now we're building up staff to do that as  
11      well.

12               COUNCILWOMAN BASS: Okay. I  
13      have no doubt that we can do it. Like I  
14      know that with paid sick leave and with  
15      other things that have been done by the  
16      City, we can do what needs to be done,  
17      but it's just, like I said, we have a lot  
18      of laws on the books that really do not  
19      get the level of enforcement that they  
20      need, and they affect a lot of our  
21      citizens. So we just want to make sure  
22      that there is the enforcement in place.

23               Thank you.

24               DEPUTY MAYOR LAZER: We  
25      appreciate that. Thank you.

1           10/30/18 - LAW & GOV. - BILL 180649

2                   COUNCILMAN GREENLEE: Thank  
3           you, Councilwoman. Thank you very much.  
4                   Councilwoman Reynolds Brown.

5                   COUNCILWOMAN BROWN: Yes.  
6                   Good afternoon, Administration.

7                   DEPUTY MAYOR LAZER: Good  
8           afternoon.

9                   COUNCILWOMAN BROWN: I want to  
10          punctuate Councilwoman Bass's point,  
11          because that was raised and discussed  
12          extensively when we met with the  
13          representatives from New York and  
14          Seattle. Because ultimately good law is  
15          good, but it means nothing if you don't  
16          have both the tools and the personnel on  
17          the other side of government to make it  
18          real. So I'm pleased to hear that the  
19          Administration has looked carefully at  
20          that part of this pie.

21                   I want to pose to you the same  
22          question I've posed to Congressman Bob  
23          Brady with regards to the industry  
24          concerns around collective bargaining  
25          agreements and labor leadership and that



1           10/30/18 - LAW & GOV. - BILL 180649  
2           entire pie of discussions. So can you  
3           speak to that?

4                     DEPUTY MAYOR LAZER: Yeah.

5           Thank you for that question. So I know  
6           we spoke -- we've gotten these concerns  
7           as well, and we spoke to the Councilwoman  
8           about it, also members of organized labor  
9           that have been helpful in this piece of  
10          the legislation, and we support the way  
11          it is, because I think they feel that  
12          this will be a full protection for them  
13          and it will have to have buy-in from the  
14          labor organization to opt out of the  
15          bill. So it won't just be a blanket opt  
16          out like paid sick leave.

17                    COUNCILWOMAN BROWN: All right.  
18          Are you at liberty -- and I completely  
19          understand if you are not, but are you at  
20          liberty to share what those remaining  
21          concerns may be at this hour or are you  
22          still in discussions with the sponsor of  
23          the bill to work through those hiccups?

24                    DEPUTY MAYOR LAZER: On the  
25          collective bargaining piece?

1           10/30/18 - LAW & GOV. - BILL 180649

2                   COUNCILWOMAN BROWN: No. No.

3           You mentioned that there were some other  
4           pending concerns.

5                   DEPUTY MAYOR LAZER: Yeah. I  
6           think some of the same concerns that the  
7           business community has been voicing are  
8           some of the outstanding concerns as well.  
9           But at this point, I don't know -- I  
10          think with some of the amendments coming  
11          in, there may be some of those addressed.

12                  COUNCILWOMAN BROWN: All right,  
13          then.

14                  You care to speak to that?

15                  MS. GALLIER HOWARD: Sure. I  
16          mean, I think --

17                  COUNCILMAN GREENLEE: Just  
18          state your name for the record.

19                  MS. GALLIER HOWARD: My name is  
20          Sylvie Gallier Howard, First Deputy with  
21          the Commerce Department. Thank you.

22                  So I think we still need to see  
23          what the final amendments are. The  
24          business community has provided a list,  
25          four pages, of amendments that they would

1       10/30/18 - LAW & GOV. - BILL 180649  
2       like to see and, you know, they may not  
3       get all of those amendments, but I think  
4       we'd like to see -- so they may still  
5       have some concerns. And so Councilwoman  
6       has done a lot to move the bill along and  
7       to put a lot of amendments in, but  
8       there's still a lot of concerns, and we  
9       want to make sure that this works for  
10      everyone.

11               From the perspective of the  
12      Commerce Department, we have workforce  
13      and business development all in our  
14      mission, and I kind of always have this  
15      mantra of poverty cannot be addressed  
16      without a thriving business sector, and  
17      you can't attract businesses to a city  
18      with poverty. So we kind of constantly  
19      have this issue, this double-edged sword,  
20      and have to really strike a balance.

21               COUNCILWOMAN BROWN: Well, you  
22      said it right, striking a balance looking  
23      for a win-win. And I want to publicly  
24      acknowledge again that Councilwoman Gym  
25      has been very circumspect in how she has

1       10/30/18 - LAW & GOV. - BILL 180649  
2       approached this, and that matters. And  
3       nothing is a hundred percent. Nobody  
4       gets all of what they want, but if we can  
5       improve the outcome and move the ball  
6       from where we are to where we started to  
7       further down the road, then that needs to  
8       be recognized at the door. Thank you.

9               Thank you, Mr. Chairman.

10              COUNCILMAN GREENLEE: Thank  
11      you, Councilwoman.

12              Councilwoman Quinones-Sanchez,  
13      please.

14              COUNCILWOMAN SANCHEZ: Thank  
15      you. And to continue that line of  
16      questioning, from the Commerce  
17      Department, when we did wage equity, sick  
18      leave, even when we did some of the new  
19      restaurant regulations, what, if  
20      anything, is Commerce doing to be  
21      proactive in informing and educating  
22      people of the facts? Because I think in  
23      all of these debates, the facts sometimes  
24      get lost.

25              So what is it that we've

1           10/30/18 - LAW & GOV. - BILL 180649  
2           learned from those that we could do here  
3           to be more proactive in informing and  
4           educating small businesses about a good  
5           business practice?

6                   MS. GALLIER HOWARD: So  
7           specifically about business practices or  
8           about these sets of policies?

9                   COUNCILWOMAN SANCHEZ: We pass  
10          laws, right? So I think Deputy Mayor  
11          Lazer alluded to it, that when you have  
12          different departments working in silos,  
13          you're supposed to be the face of  
14          business for the City, right? So what is  
15          it that we're doing proactively as it  
16          relates to the other laws that we've  
17          learned so that in this one we're  
18          informing folks of the facts, right?

19                   MS. GALLIER HOWARD: So we have  
20          a business legislation advisory group  
21          that sends out e-mails every week that  
22          tells the business community about  
23          legislation that's been introduced. We  
24          have quarterly meetings where we discuss  
25          those bills.

1           10/30/18 - LAW & GOV. - BILL 180649

2                   With regard to different pieces  
3       of legislation that get introduced, we  
4       research how it's been applied in other  
5       cities.

6                   So with this bill, we looked  
7       very closely at the other cities. We had  
8       conversations with some folks in other  
9       cities. And it's different in every  
10      city, this legislation, and every city is  
11      different. Our poverty level is so much  
12      higher. Seattle is 13 percent. Ours is  
13      26 percent. San Francisco is 12 percent.  
14      So we really have to make sure we have a  
15      bill that's good for Philly, just like  
16      San Francisco has to make sure they have  
17      a bill that's good for San Francisco.

18                  So we look at all those factors  
19      and we talk to the business community.  
20      We have a lot of dialogue. And honestly,  
21      the business community has moved a long  
22      way in terms of themselves advocating for  
23      their needs and being part of the  
24      discussion.

25                  COUNCILWOMAN SANCHEZ: Well, I

1           10/30/18 - LAW & GOV. - BILL 180649  
2           think, again, we just finished a big  
3           debate around housing, and in this body  
4           many people talked about we don't have a  
5           housing problem, we have a jobs problem,  
6           we have a jobs poverty problem, and I  
7           think this is another tool in moving away  
8           from poverty jobs, right?

9                           (Applause.)

10                   COUNCILWOMAN SANCHEZ: But,  
11           again, just like my colleagues, I want to  
12           make sure that we're setting this up that  
13           all of these pieces of legislation for  
14           bad actors, right? Because good  
15           employees, they're going to be able to do  
16           this, right? They're going to be able to  
17           implement it. You have a good collective  
18           bargaining agreement, you're going to be  
19           able to do it. It really is about the  
20           exploitation of workers and people  
21           working 80 hours, three jobs, right, to  
22           make ends meet.

23                   So what did you hear from the  
24           other cities that you feel are still not  
25           addressed or have not been part of the

1           10/30/18 - LAW & GOV. - BILL 180649

2           countless meetings and discussions?

3           Anything that springs up? I mean, I've  
4           met with the industry folk. There's some  
5           points that I can see their perspective.  
6           I can disagree with it. But what do you  
7           feel that's still not there?

8                       MS. GALLIER HOWARD: So I know  
9           that from the other cities, one of the  
10          things is about this legislation -- I  
11          mean, it's really new in most places, but  
12          from the findings so far, it's created in  
13          some cases more tension between the  
14          employer and the employee, more rigor,  
15          and so less flexibility in terms of  
16          employees being able to just change their  
17          schedule when they need to. So while I  
18          certainly appreciate -- I'm a mom of four  
19          kids. I certainly appreciate the need  
20          for predictability. The other side of  
21          that is if your kid gets sick, you need  
22          flexibility, and that has been hindered,  
23          according to what we've heard.

24                      The other thing is, employers  
25          here in Philadelphia, right now we're



1       10/30/18 - LAW & GOV. - BILL 180649  
2       experiencing a wave of momentum. I mean,  
3       we're in a good economy, and employers  
4       want to be able to add shifts if they  
5       suddenly decide within that two-week  
6       period, oh, look, it looks like we're  
7       going to actually need more employees.  
8       They want to feel like they can create  
9       those extra hours, and certainly in a  
10      city like ours, people need those hours  
11      and people will want those hours, without  
12      having to pay those extra fees. Because  
13      when you look at the restaurant industry,  
14      it's 4 to 7 percent is the profit margin.  
15      It's not like they're earning tons of  
16      profit. So these types of policies can  
17      hit their bottom line and can mean they  
18      hire fewer people.

19               So I certainly agree with the  
20      Councilwoman that we need a minimum wage  
21      that's much higher than what we've got,  
22      and that has to happen unfortunately at  
23      the state level. Absolutely agree with  
24      that.

25                       (Applause.)

1 10/30/18 - LAW & GOV. - BILL 180649

2 MS. GALLIER HOWARD: But if you  
3 look at the most poverty-stricken areas,  
4 such as your district, one of the main  
5 factors is there's not enough businesses,  
6 and jobs only occur with businesses. So  
7 we have to make sure that we are creating  
8 and fostering an environment where you  
9 can have businesses that create those  
10 jobs. If there's bad actors, yeah, we  
11 have to deal with them.

12 COUNCILWOMAN SANCHEZ: I guess,  
13 again, I want to get to where we become  
14 more proactive and, again, I believe in B  
15 corps and other types of social impact  
16 businesses, because you can make a lot of  
17 money and be good to your employees,  
18 right? That's not a contradiction,  
19 right?

20 (Applause.)

21 COUNCILWOMAN SANCHEZ: I have a  
22 hard time with how do we message that,  
23 right? Because every time -- and  
24 obviously every time we're legislating  
25 businesses, we're anti-business, right?

1           10/30/18 - LAW & GOV. - BILL 180649

2           We have \$400 million in tax cuts in our  
3           Five Year Plan, but we're anti-business.  
4           You know, we vote for every Keystone  
5           Opportunity Zone, but we're  
6           anti-business. We vote for every TIF,  
7           but we're anti-business.

8                        (Applause.)

9                        COUNCILWOMAN SANCHEZ: So I  
10          just think that the one thing that I've  
11          learned as we've done this legislation is  
12          that we got to get more proactive. And I  
13          know the Sustainability Network and  
14          others have done a good job. When do we  
15          get to send the message that being a good  
16          business and having loyal customers and  
17          employees is about treating customers  
18          well, and customers get treated well when  
19          their employees are treated well? And  
20          I'd just like to change that culture, and  
21          I just think that -- I think it's time  
22          that the Commerce Department really take  
23          a lead on that, right?

24                       (Applause.)

25                       COUNCILWOMAN SANCHEZ: Because

1           10/30/18 - LAW & GOV. - BILL 180649  
2       we have millions, millions of business  
3       incentives in this city, and we should  
4       never be talking about lifting people out  
5       of poverty and that that be a challenge  
6       given technology and given all of those  
7       things. And I think that's a culture  
8       shift, right? And I think -- because,  
9       again, having done the sick leave  
10      conversation, the airport conversation, I  
11      just feel like this has to be a win-win.  
12      And big business in particular, right,  
13      has to understand that if you're going to  
14      come to Philly and do business, you're  
15      not going to pay poverty wages.

16                   (Applause.)

17                   COUNCILMAN GREENLEE: Thank  
18      you, Councilwoman.

19                   Councilman Oh, please.

20                   COUNCILMAN OH: Thank you very  
21      much, Mr. Chairman.

22                   So just for clarification, so  
23      that we're not having a private  
24      conversation, you're talking about  
25      opposition from the Greater Philadelphia

1           10/30/18 - LAW & GOV. - BILL 180649  
2           Chamber of Commerce, the National Retail  
3           Federation, the Pennsylvania Restaurant  
4           and Lodging Association, the Greater  
5           Philadelphia Hotel Association, 7-Eleven,  
6           Pennsylvania Food Merchants Association,  
7           American Staffing Association, and other  
8           business entities, entities that  
9           represent employers; is that correct?

10                   MS. GALLIER HOWARD: So, I  
11           mean, I believe that there's a list of  
12           associations that have said that they  
13           oppose. There's also a number of  
14           businesses that have said that they're  
15           willing to come to a compromise and that  
16           they are willing to pay additional  
17           dollars for when they cut hours, but they  
18           would like to reach a deal where they  
19           don't have to pay additional dollars to  
20           be adding extra hours.

21                   Already there's been some  
22           concessions made that they're happy  
23           about, but I think they're looking for it  
24           to go further in order to make it work  
25           for them. So there's some that are

1       10/30/18 - LAW & GOV. - BILL 180649  
2       against and there's some that are looking  
3       for a compromise.

4               COUNCILMAN OH: Some are  
5       against, some are saying we can work on  
6       this and make it happen?

7               MS. GALLIER HOWARD: Yes.

8               COUNCILMAN OH: Are they saying  
9       that they support the bill as it is now?

10              MS. GALLIER HOWARD: No, they  
11       are not.

12              COUNCILMAN OH: Okay. But they  
13       are saying that they can work towards a  
14       bill that they would agree to?

15              MS. GALLIER HOWARD: And I  
16       should note some of them are here today  
17       and will be able to answer those  
18       questions directly, but certainly the  
19       businesses that we've been talking to  
20       have said to me and to members of Council  
21       if we get these things, we can live with  
22       this, even it costs us money, because  
23       they do understand and support the spirit  
24       of the bill, but there are certain things  
25       that they need to make it work for their

1           10/30/18 - LAW & GOV. - BILL 180649  
2       businesses. And then there's some that  
3       don't support and there's probably some  
4       that do support it, but we've talked to a  
5       bunch of different employers, and at this  
6       stage in the process, the majority of  
7       those whom I've talked to are willing to  
8       support this with the right conditions,  
9       with the amendments they need.

10           COUNCILMAN OH: Where will  
11       these amendments come from?

12           MS. GALLIER HOWARD: I know the  
13       conversations are happening between the  
14       business community and Councilmembers and  
15       with the sponsors of the bill.

16           COUNCILMAN OH: Okay.

17           MS. GALLIER HOWARD: We  
18       support -- as Richie said, we support  
19       those conversations, and we're hoping  
20       that they can find an agreement, and  
21       we're willing to support in any way that  
22       we can.

23           COUNCILMAN OH: So to this  
24       extent, if you could answer this  
25       question. I mean, I carry my bank in my

1           10/30/18 - LAW & GOV. - BILL 180649  
2           pocket. I don't know the last time I  
3           went to a bank, honestly. I mean, at 2  
4           o'clock in the morning I'm depositing  
5           checks. And then I think about how many  
6           people are not working in a bank because  
7           I am basically banking on my phone. The  
8           technology, it's very convenient for me.  
9           It doesn't cost anything.

10                  Same thing for shopping,  
11           Amazon, other stores that are opening,  
12           Sam's Club, no cashiers. The technology  
13           makes it convenient for the customer.  
14           The customer is better served many times  
15           when technology doesn't work for them  
16           with a human being. There's many things  
17           technology can't do that a human being  
18           does. And then we have the employers who  
19           create the jobs, pay and take the risk.

20                  So the balance you're talking  
21           about is the balance between the  
22           customer, the employer, the worker, and  
23           then there is government kind of like  
24           there. The role of government in this  
25           kind of equation of what is



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2           fundamentally, I think, where you and I  
3           do agree is, we're looking at jobs,  
4           especially low-wage jobs, and how to keep  
5           them, retain them, and to grow them and  
6           ensure that they have a future here in  
7           Philadelphia.

8                       What is the dynamic that you're  
9           looking at that you would like to see  
10          come from this entire process of  
11          employers, businesses, Councilpeople,  
12          workers? What balance are you looking  
13          for?

14                      MS. GALLIER HOWARD: I mean, I  
15          think ultimately a balance that allows  
16          for predictability for workers, that also  
17          allows for flexibility for workers, that  
18          doesn't hurt the business bottom line to  
19          an extent that they have to close or cut  
20          shifts or jobs or hours. So really  
21          something that everybody can work with  
22          that ultimately would be a win-win over  
23          time.

24                      COUNCILMAN OH: All right.  
25          Thank you very much.

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2                   COUNCILMAN GREENLEE: Thank  
3           you, Councilman.

4                   COUNCILMAN OH: Thank you,  
5           Chairman.

6                   COUNCILMAN GREENLEE: Thank  
7           you, Councilman.

8                   Councilman Jones, please.

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

11                   It's incredible to me -- first  
12          of all, let me give a lot of credit and  
13          applause to the author of this  
14          legislation for putting this forward so  
15          that we can begin the dialogue.

16                   Let me also thank the business  
17          community for being willing to sit down  
18          with you and negotiate a lot of the key  
19          points. And I know we kind of get stuck  
20          on certain points, but we are close. To  
21          the credit of the business community, to  
22          the credit of members of Council and the  
23          author of this bill, we have negotiated  
24          our way to close. But I hear some of the  
25          same arguments that we heard when we were

1           10/30/18 - LAW & GOV. - BILL 180649  
2           talking about paid sick leave and how if  
3           this bill passes, the sky is going to  
4           fall, businesses are going to close, and  
5           the world as we know is going to shift  
6           off its axis and spiral out of control.

7                     I remember when we talked about  
8           a living wage bill for the airport, and I  
9           see some of the faces that were out there  
10          fighting for that, and I was told that  
11          planes would stop flying, that the  
12          airport would close, and that life as we  
13          know, it would change forever.

14                    I want us to stop using the  
15          politics of the drastic and come together  
16          like we're doing on the politics of the  
17          sensible and things that we can agree on.

18                    I want you to know that I've  
19          been to Seattle when we were talking  
20          about the Amazon thing. We had that  
21          conversation about why I was a little  
22          reluctant about signing that letter, and  
23          the reason was, when I met with hotel  
24          workers, when I rode in the cab, Uber  
25          now, they were telling me that -- and

1           10/30/18 - LAW & GOV. - BILL 180649  
2           they make \$15 an hour -- that some of  
3           them could not afford the local rents.

4                     The average rent here in  
5           Philadelphia, I believe, is \$1,100 a  
6           month. Without predictability, without a  
7           living wage, people in Seattle have had  
8           to travel one hour outside of the city,  
9           live three deep in an apartment to be  
10          able to live in Seattle.

11                    So I don't want to -- to my  
12          friends at the Chamber of Commerce, I  
13          still love you. I spent most of my life  
14          financing, and most small business, if  
15          you know me, that's my language, but we  
16          cannot not keep pace with the realities  
17          of what it costs to live in this city and  
18          push our workforce further and further  
19          out, to have the highest number of  
20          Sheriff Sales and evictions for renters  
21          and not adjust the dial a little bit in  
22          this way.

23                    So for me -- and you know I  
24          have to leave early -- I'm going to get  
25          an opportunity to be the first one to

1           10/30/18 - LAW & GOV. - BILL 180649

2           vote on this bill.

3                   (Applause.)

4                   COUNCILMAN JONES: So we're  
5           going to follow procedure. We're going  
6           to follow procedures, and I'm going to  
7           allow the Chairman to do his thing, but I  
8           do have to go.

9                   COUNCILMAN GREENLEE: Okay. Is  
10          that right now, Councilman?

11                  COUNCILMAN JONES: That is  
12          right now.

13                  COUNCILMAN GREENLEE: Okay.  
14          How about if I recognize Councilman Domb,  
15          and let me talk to you for a second  
16          offline.

17                  COUNCILMAN JONES: You got it.

18                  COUNCILMAN GREENLEE:  
19          Councilman Domb.

20                  COUNCILMAN DOMB: Thank you,  
21          Mr. Chairman.

22                  And good afternoon. I have a  
23          few questions I'd like to ask Commerce.  
24          Any idea how many employees in the City  
25          this legislation might affect?

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2           MS. GALLIER HOWARD: I believe  
3           that the number is 130,000, more or less.

4           COUNCILMAN DOMB: Can you  
5           repeat your answer? I don't know if we  
6           could hear that. It was 130,000?

7           MS. GALLIER HOWARD: I believe  
8           it's 130,000, more or less.

9           COUNCILMAN DOMB: And any idea  
10          of how many businesses it might affect?

11          MS. GALLIER HOWARD: No, I  
12          don't know.

13          COUNCILMAN DOMB: And based on  
14          the fact that this region, there's  
15          650,000 jobs in Philadelphia and 2.1  
16          million in the region where we have the  
17          lowest percentage of any major urban area  
18          of jobs in our city, are we concerned  
19          about not just this bill but in general  
20          having laws that are specific to  
21          Philadelphia, where I'd rather have laws  
22          that are specific to the whole state, but  
23          are we concerned about laws that are  
24          specific to Philadelphia that will put us  
25          in an uncompetitive position with

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2 attracting jobs to the City?

3 (Audience members booing.)

4 COUNCILMAN GREENLEE: Whoa,

5 whoa, whoa. Hold it. Hold it. Hold it.

6 All right? Everybody here, certainly

7 including Councilmember, has the right to

8 ask a question without being shouted

9 down. All right? I hope that's clear.

10 I think most people know where I stand on

11 this bill, but if somebody has a

12 difference of opinion, they have the

13 absolute right to do it without being

14 interrupted. All right? I hope that's

15 clear.

16 I'm sorry, Councilman.

17 COUNCILMAN DOMB: That's okay.

18 MS. GALLIER HOWARD: I think

19 Philadelphia is always in a position --

20 all cities, but Philadelphia always

21 worries a little bit about that, because

22 we do have New Jersey, Delaware, all of

23 the states around us, and so the cities

24 in those states have higher minimum wage.

25 A lot of them have lower -- they don't

1           10/30/18 - LAW & GOV. - BILL 180649  
2           have as much of a tax burden as we do.  
3           So we always are trying to be more  
4           competitive and try to make it easier to  
5           do business and a better place for  
6           employees.

7                       What I would say is that  
8           Philadelphia, we were managing declines  
9           for many decades. We're now in a place  
10          where we're managing growth, but we're  
11          still anemic in comparison to other  
12          cities. So we've seen 1.5 percent job  
13          growth, whereas New York has seen almost  
14          3 percent, San Francisco has seen 4.3  
15          percent. The sales per capita in Seattle  
16          is 63,000. Ours is 7,900.

17                      So the reality is, we're very  
18          much hamstrung by our poverty rate, which  
19          is why we need to make sure that we're  
20          measured in terms of this type of  
21          legislation.

22                      I talked to someone in  
23          Emoryville, which is a tiny little city  
24          where this passed, and they actually  
25          have -- they passed the bill and they've



1       10/30/18 - LAW & GOV. - BILL 180649  
2       stripped things from the bill since  
3       passing the bill, because it has not  
4       worked for the business community. I'd  
5       rather us be in a position where we're  
6       measured and we do things gradually, see  
7       that they work, see if they don't work,  
8       and if we need to make changes, we don't  
9       go backwards, we go forward. And even  
10      New York for retail, they only require 72  
11      hours advanced notice, not two weeks.  
12      Now, that's nothing, but I don't know why  
13      New York did that, but that tells you  
14      something. Philadelphia is going to do  
15      two weeks. New York is 72 hours. New  
16      York, by the way, has 11,000 retail sales  
17      per capita.

18               So we just need to make sure we  
19      have a bill that works for us, works for  
20      our business community, works for  
21      employees, and does not at all threaten  
22      increasing our poverty rate. That's the  
23      last thing we want to do.

24               COUNCILMAN DOMB: All right.

25               COUNCILMAN GREENLEE:

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2           Councilman, if I could interrupt, if you  
3           have another question. I promised  
4           Councilman Jones we'd go through this  
5           procedure, if I could.

6                     Okay. Bear with us out there.  
7           We are temporarily going to suspend the  
8           hearing of the Committee on Law and  
9           Government, go into a public meeting. We  
10          have a quorum present, and the Chair  
11          recognizes Councilman Jones.

12                    COUNCILMAN JONES: Thank you,  
13          Mr. Chairman. I want the record to  
14          reflect that I will be voting aye on  
15          amendments to Bill No. 180649 and will be  
16          voting to move the bill out of Committee  
17          with a favorable recommendation, as  
18          amended.

19                    (Applause.)

20                    COUNCILMAN GREENLEE: All  
21          right. For the record, Councilman Jones  
22          will be recorded as voting aye on Bill  
23          180649, as amended. The amendments will  
24          be offered at the public meeting.

25                    We will now come out of our

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2 public meeting, go back into our public  
3 hearing.

4 Councilman Domb, you still have  
5 questions?

6 COUNCILMAN O'NEILL: I have a  
7 question. Do we have the amendments that  
8 are going to be offered?

9 COUNCILMAN GREENLEE: Yes.  
10 They have been circulated.

11 COUNCILMAN O'NEILL: Are there  
12 going to be other amendments offered?

13 COUNCILMAN GREENLEE: Not that  
14 I'm aware of.

15 COUNCILMAN O'NEILL: And what  
16 happens if there are?

17 COUNCILMAN GREENLEE: He won't  
18 be counted as a vote.

19 COUNCILMAN O'NEILL: Just on  
20 the ones that --

21 COUNCILMAN GREENLEE: The ones  
22 that have been offered --

23 COUNCILMAN O'NEILL: Now?

24 COUNCILMAN GREENLEE: Yes.

25 COUNCILMAN O'NEILL: Not the

1           10/30/18 - LAW & GOV. - BILL 180649  
2           ones being worked on that were referenced  
3           here. Okay. Got you. Thank you.

4                   COUNCILMAN GREENLEE: Okay.

5                   COUNCILMAN O'NEILL: I'm  
6           looking for clarity.

7                   COUNCILMAN GREENLEE: No. I  
8           understand. It can get a little  
9           confusing. I understand.

10                  Councilman Domb.

11                  COUNCILMAN DOMB: I just want  
12           to go back to Sylvie. You mentioned some  
13           amendments about different ideas of other  
14           cities. Have those been presented to  
15           this Committee?

16                  MS. GALLIER HOWARD: Well, my  
17           understanding is that the business  
18           community has been in contact directly  
19           with all members of Council regarding  
20           amendments that they would like to see  
21           and are continuing conversations with  
22           Council to reach an agreement.

23                  DEPUTY MAYOR LAZER:  
24           Councilman, the Administration has no  
25           amendments. These are amendments that

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2           are from outside the Administration, but  
3           we don't have any amendments from the  
4           Administration.

5                       COUNCILMAN DOMB:   Okay.   Thank  
6           you.   Thank you very much.

7                       Thank you, Mr. Chairman.

8                       COUNCILMAN GREENLEE:   All  
9           right.   If there's no further questions,  
10          again, Mr. Lazer, I just want to go on  
11          record.   As you stated earlier, your  
12          office has brought together, I think very  
13          well, the various labor-related bills.  
14          Before they were kind of all over the  
15          place.   And so I just want to recognize  
16          the efforts you have done to try to make  
17          this a little more concise.   We keep  
18          trying, and I appreciate all your effort  
19          and certainly the Commerce Department.

20                      DEPUTY MAYOR LAZER:   I  
21          appreciate that.   We want to thank you.  
22          Every year we appreciate all the support  
23          you and this body gives us.

24                      COUNCILMAN GREENLEE:   Thank you  
25          very much.   Appreciate it.

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2                   MS. GALLIER HOWARD: Thanks for  
3 having us today.

4                   COUNCILMAN GREENLEE: Ms.  
5 Marconi, our next panel, please.

6                   THE CLERK: Patrick Eiding,  
7 Pastor Billy Thompson, Fred Wright, and  
8 Mary Cathryn Ricker.

9                   COUNCILMAN GREENLEE: Please  
10 come forward.

11                   (Witnesses approached witness  
12 table.)

13                   COUNCILWOMAN GYM:  
14 Mr. Chairman, before we start, could I  
15 just make a brief statement.

16                   COUNCILMAN GREENLEE: Sure.

17                   COUNCILWOMAN GYM: For the  
18 Councilmembers who have raised concerns  
19 about collective bargaining agreements,  
20 we've circulated into the record a  
21 memorandum from McCracken, Stemerman &  
22 Holsberry that makes it very clear that  
23 the bill as currently stated allows for  
24 flexibility and clear protections for  
25 both the bargaining unit and the

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2       employer, and that it is both a common  
3       and beneficial practice to offer an opt  
4       out in which we can -- the two parties  
5       can both mutually determine whether to  
6       accept an increase in the floor of  
7       standards, which do not currently exist  
8       around a lot of scheduling laws, or they  
9       can waive the portions of the bill. That  
10      is their right. It is both common and  
11      normal. The Supreme Court has ruled on  
12      this. As long as the waiver which is  
13      clear and unmistakable is in the record,  
14      this thing -- the way that the bill is  
15      currently written passes clear legal  
16      muster and should be considered as such.

17               Thank you.

18              COUNCILMAN GREENLEE: Thank  
19      you. That letter will be made part of  
20      the record, and copies will be provided  
21      to the Committee and to the other members  
22      that are present here.

23              Mr. Eiding, sorry. I think  
24      you're going first. Please identify  
25      yourself and proceed.

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2                   MR. EIDING: Good afternoon,  
3       members of City Council and my fellow  
4       witnesses. My name is Patrick Eiding and  
5       I am proud to say I serve as President of  
6       the Philadelphia Council AFL-CIO,  
7       representing over 150,000 working people  
8       here in Philadelphia.

9                   I have had the pleasure of  
10      co-chairing a series of roundtable  
11      discussions that brought community,  
12      business, and labor leaders together to  
13      discuss this issue and the proposed  
14      legislation. Thanks to the excellent  
15      leadership of co-host Bill Sasso, these  
16      discussions were as respectful as they  
17      were productive.

18                  During these discussions,  
19      Councilwoman Gym and her colleagues heard  
20      from business owners, community  
21      organizers, labor leaders, and everyone  
22      in between. The Councilwoman has been an  
23      active participant in these discussions  
24      and has already made amendments to this  
25      legislation to reflect their concerns. I



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2           want to applaud Councilwoman Gym and her  
3           colleagues for having such an open and  
4           inclusive process for this bill. I think  
5           that we would have a lot more progress in  
6           the City if members of City Council would  
7           continue to use this approach.

8                     The Shift Project, a national  
9           data collection effort led by two  
10          professors from the University of  
11          California, recently published a study  
12          that really helps put these workers'  
13          issues in perspective. The study of  
14          1,346 Philadelphia area hourly workers  
15          found that 77 percent of these workers  
16          surveyed want a more stable and  
17          predictable work schedule. Half of the  
18          total number of workers surveyed are  
19          parents, and not having a predictable  
20          work schedule has a major impact on their  
21          family and quality of life.

22                    Working people deserve fair  
23          conditions and pay for their labor. It  
24          is with that in mind that the  
25          Philadelphia Council AFL-CIO has elected

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2       to support this campaign for a fair  
3       workweek.

4                (Applause.)

5               MR. EIDING: We believe  
6       strongly in the dignity of work, and we  
7       believe that all workers -- and I want to  
8       emphasize that -- all workers deserve to  
9       be treated fairly in their workplace.

10              The same report from Shift  
11      Project has found that workers with  
12      unpredictable schedules are more likely  
13      to experience food insecurity. They have  
14      gone without eating because they aren't  
15      getting enough hours and can't afford to  
16      buy enough food for their families and  
17      themselves.

18              This initiative fits into what  
19      we believe Philadelphia is about, truly  
20      the City of Brotherly Love and Sisterly  
21      Affection, a wonderful city where we take  
22      care of each other. That is why this  
23      Council passed a paid sick leave law, a  
24      wage theft law, and is working hard to  
25      raise the minimum wage to \$15 an hour.

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2                   (Applause.)

3                   MR. EIDING: I want to thank  
4 the City Council Committee for inviting  
5 me to speak and giving me the opportunity  
6 to provide labor's perspective on these  
7 issues.

8                   Thank you very much.

9                   COUNCILMAN GREENLEE: Thank  
10 you, Mr. Eiding.

11                   (Applause.)

12                   COUNCILMAN GREENLEE: Pastor  
13 Thompson, would you like to go next,  
14 please. Pull the microphone up, please.  
15 Identify yourself and proceed.

16                   PASTOR THOMPSON: My name is  
17 Pastor Billy Thompson. I am the Pastor  
18 of Adonai United Baptist Church, and I am  
19 speaking on behalf of the Evening Baptist  
20 Minister's Conference of Philadelphia and  
21 Vicinity.

22                   Seven months ago I sat in this  
23 very Chamber to show my support for fair  
24 workweek. Before I start, I want to  
25 acknowledge the eight Councilmembers who

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2           have signed on to support this  
3           commonsense legislation.

4                     Audience, I hope that you will  
5           join me in offering thanks to  
6           Councilwoman Gym, Councilman Greenlee,  
7           Councilman Johnson, Councilwoman  
8           Quinones-Sanchez Councilman Jones,  
9           Councilman Henon, Councilman Squilla, and  
10          Councilwoman Blackwell.

11                    (Applause.)

12                    PASTOR THOMPSON: It is an  
13          election year, and your actions will not  
14          go unnoticed.

15                    When I spoke last in these  
16          Chambers to support the 130,000 retail,  
17          fast food, and hospitality workers in our  
18          city, who get virtually no notice of  
19          their schedule, who have no idea how many  
20          hours they will work, and who have no  
21          path out of poverty despite showing up to  
22          work every day, I mentioned James 4:14:  
23          So whoever knows the right thing to do  
24          and fails to do it, for him or her it is  
25          sin. And today is judgment day.

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2                   I want to add Luke 8:17, which  
3       says, For nothing is hidden that will not  
4       be made manifest. Nothing is anything  
5       secret that will not be known and come to  
6       light.

7                   So today the question is, whose  
8       side are you on?

9                   (Applause.)

10                  PASTOR THOMPSON: The audience  
11       is filled with two different types of  
12       people here today, your constituents, the  
13       people who elected you, who you took an  
14       oath to represent, and then there's some  
15       people in here, the few amount that are  
16       powerful, who are paid to make sure that  
17       this bill doesn't advance. They are the  
18       minority in this room.

19                  (Applause.)

20                  PASTOR THOMPSON: They were  
21       here to represent corporations that make  
22       billions of dollars each year. They will  
23       tell you that this is bad for business,  
24       bad for Philadelphia's economy. But  
25       what's worse for Philadelphia's economy

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2           than keeping our people poor and  
3           desperate?

4                     The Pennsylvania Retail  
5           Association released a so-called report  
6           saying that everything is good and  
7           workers are happy and everyone should  
8           just move on. Then why is this room  
9           full?

10                    (Applause.)

11                   PASTOR THOMPSON: Actual  
12           research, funded by National Institutes  
13           of Health and the U.S. Department of  
14           Labor, support what our workers are  
15           saying.

16                    Fifty percent of retail, fast  
17           food, and hospitality workers are  
18           parents, not high schoolers, as industry  
19           would have us to believe. Fifty percent  
20           of workers with unstable schedules in  
21           this city have gone without food because  
22           they couldn't afford it. That means too  
23           many of the people in this room struggle  
24           with hunger. Their children struggle  
25           with hunger. There are some people in

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2           this room right now who are hungry.

3                     Fifty percent of workers with  
4           unstable schedules have had to leave  
5           their kids in less than ideal  
6           circumstances. These unstable schedules  
7           increase the risk that children ages zero  
8           to four will be left in the care of  
9           siblings. Do not ignore their stories.  
10          Do not look away. Do not ignore Tori's  
11          story of walking miles to work in the  
12          dead of winter because there was no money  
13          for carfare, or Shaheim who was fired for  
14          speaking up, or Rob who was retaliated  
15          against.

16                     (Applause.)

17                     PASTOR THOMPSON: Do not ignore  
18          the stories of dropping out of school,  
19          missing parent-teacher conferences, and  
20          doctor's appointments.

21                     The workers have spoken. If  
22          Target, Walmart, and Saxby's are so  
23          concerned about how this will hurt their  
24          business, why not say that on the record?  
25          Why not come from out of the shadows?

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2 (Applause.)

3 PASTOR THOMPSON: Corporations

4 want to forsake their employees in

5 secret, not in public, but what's done in

6 the dark comes out in the light.

7 You're either on the side of

8 ending poverty or not. You're either on

9 the side of profits or on the side of

10 people. Which side are you on?

11 (Applause.)

12 COUNCILMAN GREENLEE: Pastor,

13 if I could ask you to finish, please.

14 Is that it? Okay. Thank you.

15 Thank you.

16 (Applause.)

17 COUNCILMAN GREENLEE: All

18 right. Let's move on.

19 (Applause.)

20 COUNCILMAN GREENLEE: All

21 right. Please, please, we have a lot of

22 people who want to testify, including

23 people who support your position, so

24 let's give them a chance. Okay?

25 Who would like to go?



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2           Mr. Wright, I think your name was called  
3           next, but whoever. You can work it out  
4           there.

5                     Please identify yourself and  
6           proceed, please.

7                     MR. WRIGHT: Good afternoon,  
8           members of the Law and Government  
9           Committee and Councilpeople. My name is  
10          Frederick Wright, President of AFSCME  
11          District Council 47. I represent City  
12          employees and workers in the non-profit  
13          sector here in Philadelphia and some  
14          brothers and sisters working outside the  
15          City. I'm here today to speak in favor  
16          of Bill No. 180649, fair workweek.

17                    This bill would provide  
18          protections for workers in retail, food  
19          service, and hospitality industry. As  
20          union workers, we gain workplace-related  
21          protections for our members through  
22          collective bargaining and because laws  
23          passed to protect the rights of union  
24          works. We know that when the rights of  
25          workers are protected, it is a plus for

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2       all of us. We believe in worker  
3       solidarity and support fairness for  
4       certain worker rights in all workplaces.

5               We know that people need a  
6       clear sense of what hours they will be  
7       required to work, how much they will be  
8       paid for working those hours, and when  
9       they are sick, they will have health  
10      insurance to pay for their doctor and  
11      hospital visits.

12             Having these concerns backed by  
13      law as well as having the ability to  
14      point out inconsistencies in the  
15      application of those laws without being  
16      penalized and being removed from the job  
17      when raising their concerns are very  
18      important for workers.

19             One of the reasons of union  
20      organizing historically has been to  
21      protect the rights of workers on the job  
22      from arbitrary and unreasonable action on  
23      the part of employers.

24             We realize that the 130,000  
25      workers in the retail, food, and

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2           hospitality workplaces do not have the  
3           benefits and protections that we receive  
4           as members of AFSCME District Council 47.  
5           We support City Council in considering  
6           this legislation that will provide better  
7           protections for the workers.

8                       We urge you to pass legislation  
9           because it will help mothers and fathers  
10          with children to have a better sense of  
11          when they can pick them up from school  
12          and daycare.

13                      We urge you to pass the  
14          legislation that will help children know  
15          when their mother and father could be  
16          home to help them with their homework.  
17          We urge you to pass the legislation that  
18          will enable some people to have a second  
19          job so they can better provide for their  
20          families.

21                      For all these and many other  
22          reasons, we urge you to pass Bill No.  
23          180649 for the fair workweek.

24                      Thank you very much.

25                      COUNCILMAN GREENLEE: Thank

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2 you, Mr. Wright.

3 (Applause.)

4 COUNCILMAN GREENLEE: Thank you  
5 very much.

6 Ms. Ricker, right?

7 MS. RICKER: Yeah, perfect.

8 COUNCILMAN GREENLEE: Please.

9 MS. RICKER: Thank you.

10 COUNCILMAN GREENLEE: Identify  
11 yourself and proceed.

12 MS. RICKER: Yes. Thank you.

13 Good afternoon, members of the City  
14 Council. I want to thank you for  
15 allowing me the opportunity to speak to  
16 you today. My name is Mary Cathryn  
17 Ricker and I'm a national board-certified  
18 middle school English teacher by license,  
19 currently serving as Executive Vice  
20 President of the 1.7 million American  
21 Federation of Teachers Union, including  
22 representing the educators who belong to  
23 the Philadelphia Federation of Teachers.

24 (Applause.)

25 MS. RICKER: Thank you.

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2                   To echo our AFL-CIO President,  
3       we believe strongly in the dignity of all  
4       work, including schoolwork. Educators  
5       know that this is the right thing to do  
6       because we know it will support our  
7       students and their families. I speak for  
8       a vast majority of our members when I say  
9       that in my 13 years of family-teacher  
10      conferences, I never once met a family  
11      member who didn't care desperately about  
12      their children.

13                  I did meet family members who  
14      couldn't be as involved in school as  
15      others because they were faced with the  
16      untenable choice of working to provide  
17      support for their children versus showing  
18      up to school to provide support for their  
19      children.

20                  Mom, can you come to my choir  
21      concert? Can you come on my field trip?  
22      Can we go to the book fair tonight? Can  
23      we go to my eighth grade promotion  
24      ceremony?

25                  I have listened to

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2       heartbreaking reactions of uncertainty  
3       from parents who care desperately about  
4       their children and want to show up, but  
5       know that an uncertain work schedule was  
6       the only barrier between being as  
7       involved in their child's education as  
8       they wanted to be. And I applaud the  
9       City of Philadelphia for determining that  
10      there is a solution to this problem, and  
11      you are determining that solution today.

12               We are not asking businesses to  
13      do everything, but we are asking  
14      businesses to do something and to work  
15      with us, because when we decide to be  
16      worker friendly --

17               (Applause.)

18               MS. RICKER: When we decide to  
19      be worker friendly, we are deciding to be  
20      family friendly, which means we are  
21      telling our students that they matter.

22               Thank you very much.

23               (Applause.)

24               COUNCILMAN GREENLEE: Thank  
25      you.

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2                   Okay. Thank you all very much.

3           Thank you, Mr. Eiding, Mr. Wright. Thank  
4           you.

5                   Ms. Marconi, our next panel,  
6           please.

7                   THE CLERK: Dr. Anna Haley,  
8           Dr. Sabrina Speights, and Derek Jones.

9                   (Witnesses approached witness  
10          table.)

11                  COUNCILMAN GREENLEE: I want to  
12          repeat what I said earlier. I think we  
13          have your written testimony. I think you  
14          submitted that. If we could -- because  
15          we really are far behind here. If you  
16          could summarize your statements, I'd  
17          really appreciate it. And your full  
18          statement will be made part of the public  
19          record. Thank you.

20                  Please identify yourself and  
21          proceed.

22                  DR. HALEY: Hi. I am Anna  
23          Haley. I am an Associate Professor at  
24          Rutgers School of Social Work down in New  
25          Brunswick, New Jersey. My thanks to

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2       Councilmember Greenlee and other  
3       Committee members for the chance to share  
4       my research relevant to this Committee's  
5       consideration of the fair workweek bill.

6               I have studied low-wage and  
7       hourly jobs and their conditions for both  
8       employer and employee perspectives for  
9       the last 16 years. With Professor Susan  
10      Lambert, Kristen Harknett, and Daniel  
11      Schneider, I lead the research team  
12      funded by the City of Seattle to evaluate  
13      the implementation of Seattle's new  
14      secure scheduling ordinance. Professor  
15      Lambert and I are investigating the  
16      implementation process from the employer  
17      side of that ordinance.

18             As Harknett and Schneider have  
19      found, Philadelphia's hourly service  
20      workers, much like their counterparts  
21      around the U.S. that we've now seen for  
22      probably a decade of research, face  
23      scheduling conditions on the job that  
24      often destabilize their income and  
25      ability to combine work with other



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2       obligations. I'm not going to repeat  
3       that, because that's been summarized and  
4       I know you all well know the Shift's  
5       project data.

6               Research has well documented  
7       further that the negative impact of such  
8       employer-driven schedule practices for  
9       workers and their families are  
10      substantial. In my own work, I've found  
11      that women in hourly service jobs --  
12      ironically, this is a study of school  
13      engagement, one of the last speakers just  
14      referred to -- for women hourly service  
15      jobs who are primarily primary caregivers  
16      for children have little or no input into  
17      their work schedules; were required to  
18      give employers far-in-advance notice of  
19      their own absences, even as those  
20      employers posted worker schedules at the  
21      last minute; were required to extend  
22      their shift and times at the last minute;  
23      and faced uncertainty about how many  
24      hours they would work in a given week or  
25      even a scheduled shift, with frequent

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2           early send-homes.

3                   And research has increasingly  
4           documented this set of issues. So the  
5           impacts and the prevalence of these  
6           just-in-time scheduling practices,  
7           employers sometimes respond by describing  
8           the volatile business conditions they  
9           face and result in need for labor  
10          flexibility. And there is no doubt it is  
11          really, really hard running a business in  
12          the service sector, yet research suggests  
13          that labor demand is not vastly  
14          unpredictable there. This is partly  
15          because business needs and, in turn, need  
16          for labor actually show a fair amount of  
17          consistency over time. My colleague  
18          Susan Lambert has found that in her work.

19                   In addition, today's  
20          forecasting systems, including scheduling  
21          technologies, can anticipate much of the  
22          remaining variation in demand. As well,  
23          some variation corresponds with business  
24          decisions that can be substantially  
25          planned.

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2                   But further, not all firms in  
3       the service sector rely equally on labor  
4       flexibility practices, even when sharing  
5       the same operating conditions. Professor  
6       Susan Lambert's and my research over many  
7       years in the retail, food service, and  
8       hospitality sectors has found striking  
9       variation in how front-line managers  
10      schedule workers. This is the case not  
11      just in different cities, in different  
12      industries, and in different chains, but  
13      often within the same cities, the same  
14      industries, and even within sites of the  
15      same chain.

16                The big box retailer Costco  
17      provides a striking case study of a  
18      company that appears very committed to  
19      delivering schedule stability for their  
20      employees. Costco has not generally been  
21      a fan of scheduling regulation indeed, to  
22      be clear. However, we found in our case  
23      study of the firm, for which they  
24      generously allowed us to use their name,  
25      that Costco guarantees minimum weekly

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2           hours to its employees, 38 for full time,  
3           24 for part time, and thus incentivizes  
4           managers to concentrate hours on existing  
5           employees. Employees' scheduled shifts  
6           did sometimes vary week to week, but  
7           Costco posted work schedules at least two  
8           weeks in advance so they could plan  
9           accordingly. And while managers  
10          carefully tracked labor costs to sales  
11          ratios, like their retail counterparts,  
12          when customer traffic was slow in a given  
13          department, employees were rotated to  
14          busier departments rather than having  
15          their hours cut, or a manager asked for  
16          volunteers to leave early, but if they  
17          didn't get any, nobody went home.

18                 Such strategies are not limited  
19          to large footprint stores. In my study  
20          of restaurant employment that included  
21          sites of two national U.S.-based, low-end  
22          restaurant chains in suburban Seattle,  
23          Chicago, and Vancouver in Canada, staff  
24          reallocation was also used to deal with  
25          business fluctuations, like slow times.

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2           In Vancouver, managers at sites of two  
3           chains covered by a minimum daily pay law  
4           carefully forecasted the need for labor  
5           into schedules in advance and then when  
6           shifts came up slow, they assigned  
7           waiters deep cleaning or food prep tasks.  
8           In contrast, managers of sites of the  
9           same chains in Seattle and Chicago --  
10          this is before Seattle's law --

11                   COUNCILMAN GREENLEE: Doctor,  
12          if I could ask you to just wrap up,  
13          please, because we want to try to move on  
14          as quickly as possible.

15                   DR. HALEY: I think this lays a  
16          fairly essential foundation to the  
17          business case and the pushback, so I  
18          really want this on the spoken record.

19                   COUNCILMAN GREENLEE: Pardon  
20          me?

21                   DR. HALEY: I think this lays a  
22          fairly substantial --

23                   COUNCILMAN GREENLEE: And,  
24          again, your statement will be made part  
25          of the record, but we're trying to keep

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2           it to just a few minutes for each person.

3                   DR. HALEY: Okay. But what I  
4           would note is, studying the sites at the  
5           same chains in Seattle and Chicago prior  
6           to or absence in the law, those  
7           protections did not exist. Those  
8           practices did not exist. Rather, you had  
9           workers sent home early. So in that  
10          case, we find in our research that many  
11          firms simply do not voluntarily act to  
12          provide predictable work hours for their  
13          employees, necessitating some sort of  
14          regulation.

15                   I do want to make some points  
16          about these laws, which I currently study  
17          in Seattle in my research with Susan  
18          Lambert there. The proposed laws,  
19          including Philadelphia's, do not restrict  
20          employers' ability to schedule employees  
21          for hours, days or shifts that vary from  
22          one posted schedule to the next.  
23          Employers still have that freedom.  
24          Adjustments to the work schedule are also  
25          not generally prohibited. Instead, the

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2           laws require employers to pay some  
3           premium for late changes that they  
4           initiate.

5                       Should the proposed bill pass  
6           here, Philadelphia managers, like their  
7           counterparts in cities with these laws,  
8           will thus have two routes to compliance  
9           across most of the provisions. They  
10          could avoid scheduling practices that are  
11          now more costly under the law due to the  
12          imposed premiums or they can opt to pay  
13          the premiums in exchange for greater  
14          labor flexibility. This is akin to how  
15          employers respond to overtime and not  
16          wanting to pay overtime, giving employees  
17          more than 40 hours.

18                      Basically the principle of  
19          these laws is to fairly, more fairly,  
20          split the cost of that flexibility  
21          between employer and employee rather  
22          than, as is the case now pre-regulation,  
23          it being borne solely by the employee.

24                      Let me summarize. We have  
25          ongoing research in Seattle about its

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2       limitation, and we find that there is  
3       variation across firms in their reliance  
4       on labor flexibility. We will hear  
5       loudly when the regulations are being  
6       considered that labor flexibility is  
7       uniformly needed and applied. That is  
8       not what we find in Seattle. We would  
9       argue that it's likely to be the case in  
10      other cities.

11               COUNCILMAN GREENLEE: All  
12      right. Thank you. Doctor, I'm going to  
13      have to call time. Thank you.

14               Please, Dr. Speights, is it?  
15      Speights?

16               DR. SPEIGHT: Speights.

17               COUNCILMAN GREENLEE: Speights.  
18      Please, right in the microphone, please  
19      identify yourself and proceed.

20               DR. SPEIGHTS: I am Dr. Sabrina  
21      Speights. Thank you so much for the  
22      opportunity to offer testimony today.  
23      I'm an Assistant Professor of Business  
24      and Management at Wheaton College in  
25      Norton, Massachusetts and I've studied



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2       the temporal boundaries between work and  
3       non-work domains throughout my graduate  
4       study. I recently completed my Ph.D. at  
5       the University of North Carolina at  
6       Charlotte where I investigated schedule  
7       instability in my dissertation work. My  
8       interest in schedules spurred from my  
9       observation that the literature on  
10      work-life balance in general and  
11      workplace flexibility specifically  
12      captured the experiences of high-status,  
13      well-educated professionals, but did not  
14      reflect the experiences of individuals in  
15      other occupational categories.

16               So in my dissertation I  
17      distinguished between employee and  
18      organizationally driven flexibility. The  
19      employee-driven flexibility is what we  
20      often think about, having control and  
21      discretion over your work. Conversely,  
22      organizationally driven flexibility does  
23      not make central the preferences of the  
24      employee, and instead flexibility is  
25      focused on the interest of the employer

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2           and is driven by the organization, often  
3           in response to consumer demands and  
4           external competition. Thus, employers  
5           may create flexibility in their labor by  
6           altering schedules and work hours to meet  
7           these organizational demands.

8                        So using this organizationally  
9           driven flexibility, we see that in  
10          day-to-day life, unpredictable schedules  
11          are attributable to employer practices,  
12          specifically providing limited advanced  
13          notice of schedules, often less than one  
14          week, last-minute changes to schedules  
15          that have already been posted, and  
16          inconsistent day changes. So being  
17          scheduled, for example, Monday,  
18          Wednesday, and Friday of one week, but  
19          then asked to come in Monday, Thursday,  
20          Friday, and Saturday of the next week.

21                       And these outcomes of these  
22          employer practices are stress and strain  
23          on individuals and their families, as  
24          we've heard today. And specifically the  
25          unpredictable schedules affect this idea

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2       of work-family conflict because of those  
3       time demands, which makes it difficult to  
4       plan family activities and other non-work  
5       activities, because future planning is  
6       constantly undermined by a consistently  
7       changing schedule. And also it increases  
8       stress and strain that increase emotional  
9       exhaustion and hot tempers at home that  
10      can also make it difficult to engage in  
11      family activities.

12               But unpredictable schedules  
13      influence workplaces as well. Although  
14      varied schedules are an assumed part of  
15      doing business in many sectors, stress  
16      from unpredictable schedules can decrease  
17      job performance and morale at work. The  
18      issue of scheduling and hours is seen as  
19      a component of fairness in the workplace.  
20      Because when employees have contributed  
21      by performing their jobs well, showing up  
22      on time, they expect to have at least  
23      some of their scheduling preferences  
24      honored, and when they are not,  
25      expectations are violated, negative

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2 emotions and stress increase, and some  
3 employees want to leave.

4 It is these unforeseen costs in  
5 negative employee attitudes and ultimate  
6 exit from the organization that is not  
7 considered by employers who assumed very  
8 flexible schedules are required to  
9 increase profit. In fact, a recent  
10 expensive rigorous intervention with the  
11 Gap, the clothing retailer, focused on  
12 providing employees with more stable,  
13 predictable schedules. The total cost  
14 for the intervention was \$31,200 to hire  
15 additional staff and also the time  
16 commitments of managers to devote to  
17 meetings and rolling out the  
18 intervention. The result of this stable  
19 schedule intervention, however, was a 7  
20 percent increase in sales, well above the  
21 1 to 2 percent assumed growth, which was  
22 calculated to be 2.9 million in revenue.  
23 Definitely worth the initial investment.

24 So overall, the data  
25 demonstrate that unpredictable schedules

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2           make it harder to coordinate, plan, and  
3           meet responsibilities outside of work.  
4           These challenges increase stress and  
5           negative outcomes for individuals,  
6           families, and businesses.

7                       Now, although different  
8           families and lifestyles may require more  
9           adjustments to work schedules,  
10          unpredictable schedules are driven in  
11          large part by employer practices of  
12          limited notice of work and last-minute  
13          changes to schedules that have already  
14          been posted. It is really important to  
15          note that much of this research that's  
16          done on unpredictable schedules are found  
17          in occupations where unpredictable  
18          schedules are somewhat expected, like  
19          amongst nurses or retail employers, like  
20          I just described. And so this suggests  
21          that the general awareness of  
22          unpredictable schedules does not  
23          eliminate the negative effects, and that  
24          more attention must be paid to the  
25          practices that occur within organizations

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2           and how employers are increasing the  
3           uncertainty in the lives of their  
4           employees.

5                     Thank you.

6                     COUNCILMAN GREENLEE: Thank  
7           you. Thank you, Doctor.

8                     (Applause.)

9                     COUNCILMAN GREENLEE: Sir.

10                    MR. JONES: Hi. My name is  
11           Derek Jones with Deputy. It's an honor  
12           to testify before you here today. The  
13           reason I'm with you is my role with  
14           Deputy, I have firsthand experience  
15           helping hundreds of local businesses  
16           adapt to predictable scheduling and fair  
17           workweek regulations across the country.

18                    Software is available to  
19           support and streamline compliance with  
20           scheduling laws, such as those proposed  
21           in Philadelphia. We've worked with a mix  
22           of mom and pop as well as Fortune 100  
23           retail, fast food, and hospitality  
24           companies in this effort. But let me  
25           first start with what is a workforce

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2           management software.

3                       Basically a workforce  
4           management software is a replacement of  
5           the paper scheduling and time card system  
6           that many businesses use today. With the  
7           workforce management system, a business  
8           can create a schedule that meets the  
9           intersection of the projected business  
10          needs, preferences, and availability of  
11          the employees, and do so without breaking  
12          any labor rules, including overtime,  
13          clopening, meal and rest breaks, how to  
14          handle minors' hours and fair workweek  
15          rules. Employees then electronically  
16          punch in and out for time keeping, and we  
17          submit that information electronically to  
18          third-party payroll companies to  
19          accurately pay the employees.

20                      My direct role at Deputy is to  
21          monitor federal, state, and local wage  
22          and hour regulations and then to  
23          translate those rules into our software.

24                      Now, I'd like to share four  
25          things that we've learned when deploying

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2           Deputy in jurisdictions that have passed  
3           fair workweek regulations.

4                     Number one, when the rule is  
5           practical, complying is not as hard as it  
6           seems. Yet I certainly understand the  
7           definition of "practical" can be  
8           subjective. Let me tell you what that  
9           means to us software people. It means  
10          eliminating as much paper as possible.  
11          Paper is a step backwards and causes  
12          complexity not only for the business but  
13          with auditors who are trying to enforce  
14          the rule.

15                    And, number two, software's  
16          role should be to facilitate and automate  
17          the set of rules instead of software  
18          being a requirement for the rule being so  
19          complex that it can only be solved  
20          through software.

21                    After reviewing the recently  
22          amended set of rules for Philadelphia's  
23          fair workweek, we feel confident we can  
24          facilitate the changes in our product.

25                    Number two, what we've learned.



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2 There are benefits to the employers.  
3 What I've witnessed in most retail,  
4 hospitality, and fast food operations is  
5 that they value their employees and treat  
6 them with respect and dignity. But just  
7 like this set of rules is passed to  
8 prevent a few bad actors from taking  
9 advantage of employees, there are  
10 situations where the new set of rules  
11 just don't work for some employees. In  
12 exchange for providing more predictable  
13 schedules and, therefore, paychecks,  
14 employers are able to keep employees a  
15 bit more accountable to work the  
16 schedules that are posted and to show up  
17 on time. And it also pushes the admin  
18 burden of the scheduling managers, who  
19 are often hourly workers themselves --  
20 many times the people who are creating  
21 the schedules are hourly workers  
22 themselves. It pushes the burden from  
23 taking these calls at night to the  
24 schedules being changed and self-directed  
25 by the employees.

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2 Number three, what we have  
3 actually found is once a software system  
4 is used, there is actually a net decrease  
5 in the penalty payments. When we deploy  
6 our software, it's a complete reeducation  
7 of the law and how to operationalize with  
8 technology. In a recent analysis of our  
9 work in New York City, we saw premium  
10 counts fall from 6 percent to 1 percent  
11 across a major fast food brand once they  
12 adopted the technology and retrained all  
13 their employees on how to manage the new  
14 rules.

15 The number four thing that  
16 we've learned deploying our tool, labor  
17 forecasting is more accurate. Labor  
18 forecasting is a process of predicting  
19 how much labor a business needs in the  
20 future. In one scenario, Deputy has  
21 supported a fast food company with  
22 rehauling their labor forecasting, which  
23 we anticipate will result in nearly  
24 \$100,000 of savings per year. Had the  
25 business not been forced to look at their

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2       labor standards, simply put, how they  
3       determined how many and when each  
4       employee needs to come in during the day,  
5       they might not have uncovered this hidden  
6       cost savings.

7               I might also add this isn't a  
8       pure reduction in hours. It's a  
9       reallocation of hours during the right  
10      times when customers are coming in.

11             Finally, I'd like to share  
12      three details on how our workforce  
13      management system actually helps solve  
14      for the rule.

15             Number one, we have an  
16      electronic communication feature that  
17      sends out the advanced notice of  
18      schedules in a good-faith estimate.

19             Number two, what we call active  
20      asset station. This is a realtime  
21      compare of the clock-in and clock-out of  
22      what was scheduled. So when an employee  
23      walks up to clock out, we identify if  
24      they're leaving early or checking out  
25      late, and we ask the employee to attest

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2           that the change was made by themselves  
3           and not the manager. We also notify  
4           scheduling managers if they're making a  
5           change that might trigger a premium or a  
6           penalty. In most cases, the scheduling  
7           manager just isn't aware that they are  
8           breaking a rule, so a simple pop-up will  
9           prevent the issue from happening.

10                   In summary, practical fair  
11           workweek regulations can be solved with  
12           current workforce management software.  
13           There are benefits to employers, and  
14           using software has actually resulted in  
15           big decreases in premium payments versus  
16           the paper methods.

17                   Thank you for inviting us to  
18           speak today and I welcome your questions.

19                   COUNCILMAN GREENLEE: Thank  
20           you.

21                   Councilman Oh, I think you have  
22           a question, please.

23                   (Applause.)

24                   COUNCILMAN OH: Just for my  
25           clarification, what I'm kind of

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2           summarizing all this testimony to be is  
3           that there is software that makes it  
4           convenient and expedient to manage  
5           workforce and deal with the laws as long  
6           as they are practical and require less  
7           paper and that the scheduling of work  
8           hours is a result of business practice  
9           more than it is of business intelligence  
10          and, therefore, it is your testimony that  
11          it is not by necessity that the  
12          scheduling is done the way it is  
13          nowadays, it's just kind of always been  
14          done that way. And so your research that  
15          you're presenting or your testimony is  
16          that businesses can provide and they have  
17          done so voluntarily, as in Costco, they  
18          have provided predictable work scheduling  
19          and that the practice is not necessarily  
20          the most efficient way to do things. Is  
21          that about correct?

22                       (Witness nods head in the  
23          affirmative.)

24                       COUNCILMAN OH: Okay. Thank  
25          you. If you're not disagreeing with me,

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2           that's fine. Okay. That's what I  
3           understand.

4                     All right. Thank you,  
5           Chairman.

6                     COUNCILMAN GREENLEE: Okay.  
7           Thank you, Councilman.

8                     No other questions. Thank you  
9           all very much. Thank you for your time  
10          and the work you do.

11                    Ms. Marconi, you want to call  
12          our next panel, please.

13                    We're getting there, folks.

14                    THE CLERK: JoAnn Wrenn,  
15          Christina Vance, Julie Coker Graham, John  
16          Holub, and Jay Dellavecchia.

17                    (Witnesses approached witness  
18          table.)

19                    COUNCILMAN GREENLEE: I'll just  
20          repeat two things I've said before.  
21          Please, if we have your written  
22          testimony, if you could summarize, we'd  
23          appreciate it, as we keep trying to move  
24          on.

25                    And, secondly, everyone will

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2           testify without being interrupted in any  
3           way. Thank you very much.

4                     Please, whoever -- if you  
5           interrupt, you'll leave. It's real  
6           simple. Okay? Thank you.

7                     Please, whoever would like to  
8           go first.

9                     MS. GRAHAM: Thank you. Good  
10          afternoon, Chairman Greenlee,  
11          Councilwoman Gym --

12                    COUNCILMAN GREENLEE: Maybe a  
13          little closer to the microphone.

14                    MS. GRAHAM: Sure. And members  
15          of the Law and Government Committee.  
16          Thank you for the opportunity to testify  
17          regarding the fair workweek employment  
18          legislation.

19                    So I'm the President and CEO of  
20          the Philadelphia Convention and Visitors  
21          Bureau, and we're charged with bringing  
22          overseas --

23                    COUNCILMAN GREENLEE: Just say  
24          your name.

25                    MS. GRAHAM: Julie Coker

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2 Graham.

3 We're charged with bringing  
4 overseas visitors but, more importantly,  
5 meetings, conventions, and trade shows to  
6 the City.

7 So in essence of time and  
8 certainly making sure that we get through  
9 this in a thoughtful manner, I would just  
10 really stress three key points.

11 The first point is certainly  
12 the flexibility in hotels. Having been a  
13 general manager for ten years and having  
14 come from Hyde Hotels where I worked for  
15 21 years, I'm very familiar with  
16 last-minute occurrences that pop up. So  
17 from a convention standpoint, not only do  
18 we compete with neighboring cities and  
19 states like New York and DC, but in terms  
20 of the country, it's very competitive.  
21 And so the concern that we would have  
22 with this legislation is that it would  
23 inhibit our hotel partners from having an  
24 opportunity to schedule on a service  
25 basis.



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2                   So we have things like the  
3       NCAA. So, for example, the year with  
4       Villanova when they went to the  
5       championship. Had Villanova played here,  
6       we wouldn't have had as many hotel rooms.  
7       If there's an out-of-town team that's  
8       playing, we have the ability to bring  
9       them to the hotels and, of course, those  
10      are also last-minute decisions, similar  
11      to an Eagles playoff game, same type of  
12      scenario. It's always last minute, and  
13      we want to make sure that we're providing  
14      the best possible service.

15                  The other thing that I would  
16      also say is that as we look at hotel  
17      development that comes into the City  
18      which makes Philadelphia competitive from  
19      a convention standpoint, we have a  
20      convention as we speak. We have 5,000  
21      rooms on peak. They have over 15,000  
22      attendees that are here. What makes  
23      Philadelphia unique is the affordability  
24      of our hotel package.

25                  Almost every major city has a

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2           convention center, and they all have a  
3           hotel package. What sets Philadelphia  
4           apart is the ability for us to be an  
5           affordable city when it comes to hotel  
6           rooms.

7                        So those are the key points,  
8           and obviously the rest of it is in my  
9           testimony.

10                      COUNCILMAN GREENLEE: Thank you  
11           very much. I appreciate your working  
12           that out with your testimony. I  
13           appreciate it. Thank you.

14                      Whoever would like to go next,  
15           please identify yourself and proceed.

16                      MS. WRENN: Thank you. Good  
17           afternoon. I am JoAnn Wrenn, General  
18           Manager of the Logan Hotel. My colleague  
19           Jay and I are here today to express  
20           concerns about Bill No --

21                      COUNCILMAN GREENLEE: Hold on.  
22           No. No, no, no. No, no, no. Move it  
23           back up.

24                      (Audience member hanging  
25           paperwork from top balcony.)

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2 (Audience members chanting.)

3 COUNCILMAN GREENLEE: All

4 right. Hold it. Hold it. Listen.

5 (Audience members chanting.)

6 COUNCILMAN GREENLEE: All

7 right. Hold on. Let me make it real

8 clear. Okay? Everybody is going to have

9 the right to testify up here without

10 being interrupted. Okay? If there is

11 interruptions to these people, we're

12 going to call off the hearing and the

13 bill will not move. Everybody understand

14 that? And you know where I stand on

15 this. I'm a co-sponsor. I believe

16 strongly in the bill, but I believe

17 strongly that everybody has a right to

18 speak. If there's another interruption,

19 as the Chair, I will stop the hearing.

20 All right?

21 Please.

22 MS. WRENN: Thank you. My name

23 is JoAnn Wrenn. I am the General Manager

24 of the Logan Hotel. We are here today to

25 express concerns about Bill No. 180649 on

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2       behalf of my hotel and the Greater  
3       Philadelphia Hotel Association. Jay will  
4       address the negative impact the  
5       legislation would have on our operations,  
6       but first I would like to share why we do  
7       not believe the bill should apply to  
8       hotels.

9                   I started in the hotel business  
10      as a front-desk associate and now manage  
11      over 400 employees at the Logan Hotel.  
12      I'm a working mother raising four  
13      children while maintaining a demanding  
14      job. So I empathize with any team  
15      members who may have concerns about their  
16      schedules.

17                  I would like to stress that our  
18      opposition to the bill does not seek to  
19      discount our team members' hard work,  
20      determination, and dedication to their  
21      jobs. From housekeeping and banquet  
22      staff to guest service agents, we treat  
23      our team members like they are a part of  
24      our family, which is why we already offer  
25      them competitive wages and an extensive

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2       set of benefits.

3               At the last Council hearing on  
4       this issue, Councilwoman Gym spoke  
5       eloquently about how Philadelphia needs  
6       more good jobs that pay a living wage and  
7       offer enough hours and benefits for poor  
8       Philadelphians to rise out of poverty.  
9       The hotel industry couldn't agree more  
10      and already does exactly that. And not  
11      just because it's the right thing to do,  
12      but also because it is good business.  
13      Our goal is to attract and retain the  
14      best talent at every level and in every  
15      department in a very competitive hiring  
16      market.

17              Philadelphia hotels employ over  
18      11,000 individuals, 80 percent of whom  
19      are Philadelphia residents living in  
20      every neighborhood of the City. Our  
21      employees look like Philadelphia too,  
22      because GPHA works closely with agencies  
23      such as Philadelphia OIC, Philadelphia  
24      Academies Inc. and others to ensure a  
25      diverse workforce from the front-line

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2           employees to upper management.

3                   Based on a yearly wage survey  
4           of Philadelphia hotels, our average wage  
5           is both greater than the Philadelphia  
6           living wage ordinance requirements and  
7           more than twice the state minimum wage,  
8           including \$16.02 hourly wage for  
9           front-office employees and 15.48 for  
10          housekeeping. Most hotels are also  
11          composed of full-time employees, with at  
12          least 70 percent working 35 hours or  
13          more. Benefit packages include not only  
14          traditional benefits such as healthcare  
15          and 401(k), but also often include unique  
16          perks such as employee meal plans that  
17          provide employees with lunches and  
18          dinners at no cost, adoption assistance,  
19          access to legal assistance, tuition  
20          reimbursement, and many more.

21                   So Philadelphia's hotels are  
22          absolutely already providing those good  
23          jobs that the City needs more of. Our  
24          employees embrace a slighter more  
25          flexible schedule and the opportunity to

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2       get more shifts as they become available.  
3       When a shift becomes available, we go  
4       through the list and offer the  
5       opportunity to everyone, and no hotel has  
6       ever punished someone for turning down a  
7       shift. We consistently hear feedback  
8       from our employees that they want to work  
9       when there is work to be done and tips to  
10      be made. When there are additional  
11      shifts, there are workers who want the  
12      hours.

13               For every employee I have that  
14      may want a desire or desire a mandated  
15      two-week schedule, another would prefer  
16      much more flexibility, as that is why  
17      many choose to work in the hospitality  
18      industry. And they tend to stay in the  
19      industry. Many of our employees have  
20      been with the hotel for several decades.  
21      Hotels are constantly surveying our  
22      employees, and they're telling us they  
23      are very pleased with their jobs. And  
24      that's why we work so hard to keep them,  
25      because every day a new hotel down the

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2           street will try to steal them away.

3                   These are the reasons why no  
4           other city in the country has included  
5           hotels when they passed predictive  
6           scheduling legislation. This bill might  
7           make sense for some industries, but the  
8           argument for it certainly do not apply to  
9           the hotel business, and we ask that you  
10          please amend hotels out of the  
11          legislation.

12                   Thank you for your  
13          consideration.

14                   COUNCILMAN GREENLEE: Thank  
15          you.

16                   Who would like to go next?  
17          Please identify yourself and proceed.

18                   MR. DELLAVECCHIA: Good  
19          afternoon. Thank you for your time this  
20          afternoon. Thank you for everyone in the  
21          room listening. Good afternoon. I'm Jay  
22          Dellavecchia. I'm the General Manager of  
23          the locally and minority-owned Westin  
24          Philadelphia Hotel. I'm also here to  
25          express my concerns about Bill No. 180649



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2       on behalf of my hotel and the 80 hotels  
3       and 11,000 employees in the Greater  
4       Philadelphia Hotel Association.

5               I also want to say that we wake  
6       up every morning wanting to make it a  
7       great place to stay in our hotels and  
8       also a great place to work, and we do  
9       everything we can to make sure we meet  
10      those endeavors. So the care is  
11      paramount to our employees each and every  
12      day.

13             The reality of the hotel  
14      business is that the only thing that is  
15      certain is the uncertainty. We offer  
16      hotel guests a great deal of flexibility  
17      to cancel or change their plans. While  
18      this is great for guests, it can cause  
19      unexpected changes to our schedules and  
20      staffing. We do our best to provide our  
21      staff with as much notice as possible  
22      about their schedules. Team members  
23      receive their schedules with a minimum --  
24      and this is a minimum -- of one week  
25      advanced notice, and we always aim and I

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2           think most successfully adhere to the  
3           posted schedules.

4                       However, due to the flexibility  
5           we offer our guests, a two-week schedule  
6           with zero tolerance is not realistic.  
7           Within two weeks, there could be many  
8           micro adjustments that we have to make in  
9           order to provide the highest level of  
10          service to our guests and to account for  
11          fluctuations in rooms and event bookings.  
12          We may have a wedding, for example, a  
13          year in advance who is booked. The  
14          industry standard is any time you have an  
15          event in a hotel, you have three days to  
16          make any changes. You can add attendees,  
17          you can deduct attendees, you can add  
18          services such as additional bars or  
19          action stations which require additional  
20          staffing, and because of that, we need to  
21          bring on additional people or sometimes  
22          maybe not have as many additional people.

23                       We also know in our business  
24          that things can quickly move in the other  
25          direction. For example, when we had Made

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2           in America concert on the Parkway, one  
3           hotel experienced a 35-room block cancel  
4           at the very last minute, only to stay at  
5           a luxury home booked through Airbnb. We  
6           had to call and reduce the staffing  
7           because the revenue and the business  
8           disappeared. In this legislation, if  
9           this bill were law, not only would the  
10          hotel lose revenue of the room block that  
11          they saw disappear, but it would also  
12          have compounded the financial loss due to  
13          the additional predictability pay that  
14          would be required upon them.

15                 Our hotels adjacent to the  
16          airport would be especially impacted by  
17          this bill. I have worked at two such  
18          hotels in the past, and I can tell you  
19          there would be days I would go to work  
20          and we'd be 40, 30 percent occupied. In  
21          a matter of hours, the hotel would be  
22          oversold. It could be because of a  
23          severe weather storm in Chicago, for  
24          example, that would impact Philadelphia,  
25          and those Philadelphia airport hotels

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2           would be booked and the restaurants will  
3           be full, but they wouldn't have staff to  
4           accommodate because you would have to pay  
5           the predictability pay.

6                     There's no way to legislate  
7           that type of occurrence that happens in  
8           our hotels on a regular basis. If this  
9           bill passes, it will negatively impact  
10          our businesses by burdening our  
11          administrative operations and putting a  
12          financial strain on our bottom line. I  
13          think most of us already have automated  
14          time clocks. The paper part is no longer  
15          present. So that would not really help  
16          us.

17                    Because our business is much  
18          more unpredictable than any other  
19          industry in the City, under this  
20          legislation we would often be paying  
21          predictability pay to our employees.  
22          Doing so will impact the profitability,  
23          and as a result, our room rates may go up  
24          and suddenly we are less competitive with  
25          the hotels in the City that do not have

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2       to comply with this legislation because  
3       they are independently owned. Such  
4       increased expenses also means we would  
5       feel pressure from our owners to decrease  
6       expenses elsewhere, and that would be  
7       discretionary spending that we do. Like  
8       our many peers in our industry or many  
9       charitable contributions to the City and  
10      broader community, those expenses would  
11      have to be reviewed.

12               This bill would also hurt our  
13      ability to be competitive in our bids to  
14      increase tourism and group bookings. The  
15      Philadelphia hotel industry has  
16      experienced moderate growth since the  
17      recession, but according to tourism  
18      economics, our growth is being outpaced  
19      by comparable cities, including  
20      Washington, DC and Boston, as well as the  
21      U.S. overall.

22               Our industry is highly  
23      competitive both between hotels in the  
24      City and with other cities as we vie for  
25      group and leisure bookings. If we

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2           continue to put constraints on hotels'  
3           abilities to manage their own workforce  
4           and budgets, our city may fall further  
5           behind and make us less competitive in  
6           the overall market.

7                     That's one of the reasons why  
8           all the other cities do not have hotels  
9           in their legislation.

10                    COUNCILMAN GREENLEE:  
11           Mr. Dellavecchia, if I could ask you to  
12           wrap up, please.

13                    MR. DELLAVECCHIA: Two  
14           paragraphs. I'm just about done.

15                    COUNCILMAN GREENLEE: Just  
16           quickly, please.

17                    MR. DELLAVECCHIA: Thank you.

18                    COUNCILMAN GREENLEE: Please.

19                    MR. DELLAVECCHIA: Another  
20           concern is that we will strain our  
21           current administrative staff due to the  
22           extensive record-keeping necessitated by  
23           this bill. Many of us hire an additional  
24           staff person or redeploy other employees  
25           to fulfill these administrative duties to

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2           keep the records and track each and every  
3           shift change. This is yet another way  
4           the bill will wreak havoc with our  
5           ability to budget our hotel operations.  
6           I ultimately answer to the owners of my  
7           hotel and I have to explain and account  
8           for even the smallest shifts in expected  
9           margins.

10                   If ownership groups start to  
11           see slipping margins, they may decide to  
12           direct improvement funds and future  
13           investments to other markets that have  
14           more favorable business conditions.

15                   Hotels are completely  
16           different -- is a different business  
17           model than any other. We're open 24/7,  
18           with a standard of service where we  
19           strive for as close to perfection at all  
20           possibility times. There are reasons why  
21           no other city in the country has included  
22           hotels, again, when they passed  
23           predictive scheduling legislation. This  
24           bill might make sense for some  
25           industries, but the arguments for it

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2           certainly do not apply to the hotel  
3           business, and we ask that you please  
4           amend hotels out of the legislation.

5                     Again, thank you for your time  
6           and patience.

7                     COUNCILMAN GREENLEE: Thank  
8           you.

9                     Ma'am, please identify yourself  
10          and proceed.

11                    MS. VANCE: Good afternoon,  
12          Councilmembers. My name is Christina  
13          Vance and I'm the Vice President of Store  
14          Operations for PetSmart.

15                    (Audience members booing.)

16                    COUNCILMAN GREENLEE: Come on,  
17          come on, come on, come on.

18                    MS. VANCE: If you're not  
19          aware, PetSmart is the largest pet  
20          specialty retailer in the country with  
21          over 55,000 associates, as well as a  
22          significant investment in Pennsylvania,  
23          having one of our distribution centers  
24          here in Pennsylvania, 57 stores across  
25          the state, and six stores right here in



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2           the City. As a result, we closely follow  
3           policies that could impact our business  
4           and store operations, and we thank you  
5           for the opportunity to testify.

6                       Of those 178 associates that we  
7           have here in Philadelphia, they call  
8           PetSmart their workplace and made a  
9           decision to join PetSmart because of  
10          their passion and love for pets, as well  
11          as our employee-friendly culture,  
12          benefits, and flexibility.

13                      Over the last 30 years, we have  
14          continually made changes to our business  
15          practices to support our associates while  
16          also meeting the daily needs of our  
17          business. I am sure you know that  
18          schedule and hours for an associate are  
19          influenced by a variety of factors,  
20          including the needs of the store, the  
21          position and the job they have to do, as  
22          well as the specific training that they  
23          have and, of course, an associate's own  
24          availability. That said, at PetSmart, we  
25          work diligently with our associates to

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2           support their personal commitments by  
3           making schedule adjustments as needed.

4                       While many other retailers and  
5           businesses will focus on the merits of  
6           predictive scheduling, we won't do so.  
7           At PetSmart, we provide ten days' notice  
8           on schedules, so that's not an issue that  
9           we need to deal with, and the majority of  
10          scheduling changes within that timeframe  
11          are actually dictated by associate  
12          requests themselves. We'll be focusing  
13          on select operational challenges of  
14          enforcing the bill as it's written at the  
15          moment. In reviewing the bill, we see a  
16          few obstacles with operational compliance  
17          that, if modified, could still make for a  
18          very fair workweek policy for all of the  
19          residents of Philadelphia.

20                      In reference to Section 9-4509,  
21          Subsection 1, it states that it is  
22          presumed that the employer has violated  
23          the Chapter absent clear and convincing  
24          evidence otherwise. We think that misses  
25          the symbolic nature of the relationship

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2       that we try to cultivate with our  
3       associates. PetSmart stores would not  
4       operate without our qualified associates.  
5       And we're able to attract our talented  
6       associates because we do everything we  
7       can to try to accommodate their schedules  
8       within the business that we are trying to  
9       run.

10               The presumption of the statute  
11       is inconsistent with this approach to  
12       scheduling. We diligently work with  
13       jurisdictions across the country in all  
14       areas of compliance, and the presumption  
15       of guilt should not be the starting point  
16       for any proposed legislation. We  
17       respectfully request that that wording be  
18       removed.

19               Additionally, with regard to  
20       Section 9-4511, two years is an extreme  
21       amount of time to collect complaints to  
22       be filed. By that time, we have lost  
23       nearly all opportunities to internally  
24       collect and retain pertinent information  
25       about the complaint and, more

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2 importantly, to use the situation as a  
3 teachable moment for store leaders.  
4 PetSmart associates are sometimes with us  
5 for a short amount of time, such as  
6 seasonal associates, college students or  
7 associates who work between other jobs.  
8 It would be an incredible challenge for  
9 us to collect data and course correct  
10 after two years have passed and some of  
11 those associates are no longer with us.  
12 We would recommend 90 days as a much  
13 shorter timeframe so that we can collect  
14 the information when it is most readily  
15 available and top of mind for all of  
16 those who are involved.

17 Lastly, as it relates to  
18 changes in schedule, if schedules are  
19 modified after the advanced notice period  
20 required by the bill, it requires written  
21 consent, according to Section 9-4603. At  
22 PetSmart, we work to streamline our  
23 business processes and have found that  
24 verbal consent has always worked for our  
25 business. Additional paperwork required

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2       by written consent and the retention of  
3       those records causes additional  
4       unnecessary steps. Our position is that  
5       verbal consent is validated by the  
6       employee showing up for their shift, and  
7       that should be considered sufficient.

8               As I mentioned before, PetSmart  
9       has invested in the Philadelphia  
10      community and Pennsylvania at large, and  
11      we're working to provide our associates  
12      not only a great workplace culture, but  
13      also to have opportunities for growth.  
14      Any obstacles to these goals would hurt  
15      the residents of the City. And we thank  
16      you for your time today and considering  
17      the changes that we have suggested, and  
18      I'm happy to answer any questions.

19             COUNCILMAN GREENLEE: Thank  
20      you.

21             I think we have one more  
22      person, Mr. Holub, please. Please  
23      identify yourself and proceed.

24             MR. HOLUB: Thank you,  
25      Mr. Chairman.

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2                   COUNCILMAN GREENLEE: Please,  
3 go ahead.

4                   MR. HOLUB: Thank you,  
5 Mr. Chairman. John Holub, Executive  
6 Director of the Pennsylvania Retailers  
7 Association. I very much appreciate the  
8 opportunity to come before you today as  
9 well as the other members of the Council.

10                   I would just like to start by  
11 saying that the business community -- and  
12 there's been a lot of discussion earlier  
13 about the Coalition has offered numerous  
14 amendments. In fact, there are five core  
15 issues of which those amendments revolve  
16 around, and unfortunately the amendments  
17 that you're going to be considering today  
18 do not address any of those core issues.  
19 We're very troubled by that fact. In  
20 fact, I believe that the amendments that  
21 are being offered today make the bill  
22 actually worse. So I think we're heading  
23 in the wrong direction.

24                   We do appreciate Councilwoman  
25 Gym's openness and willingness to meet

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2       with us and discuss our concerns, as well  
3       as all of the members. I think we've met  
4       with every member of the Council, several  
5       repeatedly. So we're very appreciative  
6       of the offer to discuss those concerns.  
7       Unfortunately, we feel those are at this  
8       moment falling on deaf ears. None of the  
9       amendments being considered address any  
10      of the core issues that we've brought  
11      forth to the Council.

12               So the bottom line is the  
13      amendments -- the bill as it stands right  
14      now does not offer any balance between  
15      predictability and flexibility. The  
16      predictability pay penalizes employers  
17      for many situations that are out of their  
18      control, and this also interferes and  
19      will interfere with our ability to hire  
20      new employees.

21               And one of the things I think  
22      is most troubling -- I think it's part of  
23      the new amendments. This is creating  
24      several new liabilities for businesses  
25      that will clearly lead to frivolous

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2           lawsuits, and it will allow third parties  
3           to file civil actions, and that's quite  
4           troubling in that regard.

5                     The bottom line is, owners and  
6           store managers are in the best position  
7           to understand and respond to the needs of  
8           their employees and the community. The  
9           legislation of scheduling practices will  
10          take time, attention, and resources away  
11          from managers' duties to train, to coach,  
12          to hire, and to lead. And, Councilman  
13          Oh, I think you were starting to get on  
14          this point earlier. As consumers shop  
15          and access goods and services through  
16          multiple channels, including in store,  
17          online, and on their mobile phones,  
18          Philadelphia retailers will be further  
19          disadvantaged by this bill. Online  
20          retailers, without any physical presence,  
21          may sell to City residents and avoid all  
22          compliance with this new regulation.  
23          Enacting this proposed bill will  
24          disadvantage Philadelphia store owners  
25          and the jobs that they provide our



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2 residents.

3               A healthy and vibrant economy  
4 in the City of Philadelphia and in the  
5 Commonwealth as a whole is dependent upon  
6 a healthy environment retail industry,  
7 and unfortunately we feel this will have  
8 a significant negative effect on the  
9 industry, and we appreciate if you would  
10 reconsider the legislation.

11              COUNCILMAN GREENLEE: All  
12 right. Thank you.

13              Mr. Holub, let me just say, not  
14 to be argumentative here, I want to move  
15 on, but I hear that owners and business  
16 owners have the best ideas about how to  
17 run things, but there's a lot of ones  
18 that don't run quite right, and we've  
19 heard from workers -- I heard that when I  
20 did sick leave. Well, let the business  
21 owners figure this out. But, you know, a  
22 lot of them weren't figuring it out  
23 fairly. And the title of this bill is  
24 fair workweek, and we're trying to find a  
25 fairness, and just to say don't do it,

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2 we're not going to not just do it. We're  
3 going to figure something out.

4 (Applause.)

5 COUNCILMAN GREENLEE: Now,  
6 again, this is tough. I think it's  
7 probably unfair to just dismiss all those  
8 amendments that Councilwoman Gym is  
9 putting in. She can speak for herself.  
10 And just to dismiss them, they don't deal  
11 with the subject and make it harder, I  
12 just don't think that's fair.

13 I sat through some of the  
14 meetings she had. Everybody could give a  
15 different idea about what makes this bill  
16 perfect and probably there would be 85  
17 different opinions, but to just say don't  
18 do it -- I'll speak for myself. I reject  
19 that. We're going to do something here.  
20 And even if we pass this bill --

21 (Applause.)

22 COUNCILMAN GREENLEE: And even  
23 if we pass this bill out of Committee  
24 today, that's not the end of it. There  
25 still can be more work. The sponsor and

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2       others have pledged that we're going to  
3       keep working on this. But I don't think  
4       she went through all this and the rest of  
5       us who have worked on this went through  
6       this just to say no. You know, we're  
7       going to do something. I'll just put  
8       that on record.

9               MR. HOLUB: May I respond?

10              COUNCILMAN GREENLEE: Pardon  
11       me?

12              MR. HOLUB: May I respond to  
13       it?

14              COUNCILMAN GREENLEE: Go ahead.

15              MR. HOLUB: My point,  
16       Mr. Chairman, is that the business  
17       community put together a significant  
18       amount of amendments, suggested  
19       amendments, and none were taken into  
20       consideration, and in fact, the  
21       amendments that have been offered up are  
22       making the bill worse and it's putting --

23              COUNCILMAN GREENLEE: Well,  
24       that's your opinion. That's your  
25       opinion, I know.

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2                   MR. HOLUB: But have put in  
3 additional issues that were never  
4 addressed or discussed with any members  
5 of Council in any meetings I was with,  
6 and I've talked some of the other  
7 Coalition members, issues that were never  
8 brought up that have now been put in  
9 amendments that we received on Friday  
10 night, and it's making the bill worse.

11                   All I'm asking is, the business  
12 community has come to the table, has  
13 offered very reasonable amendments to  
14 this legislation. None of that has been  
15 taken into consideration, and in fact,  
16 more amendments have been placed that  
17 make the bill worse.

18                   COUNCILMAN GREENLEE: Okay.  
19 That's your opinion. People have  
20 different opinions on that.

21                   On the hotels, let me just ask  
22 a real quick question. I know Councilman  
23 Oh has a question. Now, I understand the  
24 State of Oregon is much different from  
25 the City of Philadelphia, and I know they

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2       do include hotels; am I correct? And I  
3       have been told, and they have not done it  
4       yet, but that New York City is  
5       considering including hotels in  
6       legislation.

7               I'd like to see if there is  
8       some place -- and I understand hotels are  
9       different. I hear everything you're  
10      saying. You make some good points. And  
11      the hotels -- I think we got great hotels  
12      in the City, but one of the reasons I  
13      think we have great hotels is because  
14      there's great employees in those hotels.

15             (Applause.)

16             COUNCILMAN GREENLEE: And I  
17      guess I just ask you to consider if  
18      there's some kind of middle ground where  
19      we understand the differences that hotels  
20      have, the uniqueness maybe, but we also  
21      understand the needs of workers in those  
22      hotels.

23             So I just throw that out there.  
24      I just ask you to keep considering that  
25      and, again, just not say, no, we don't

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2           want to be included at all, that maybe  
3           there is a place. And I'm not sitting  
4           here today saying I know what that place  
5           is, but that there is a place where  
6           hotels and the workers in those hotels  
7           can be part of that legislation.

8                     MR. DELLAVECCHIA: Can I  
9           respond? Well, first, I think all of us  
10          agree with you. What makes our hotels  
11          great are our associates. They are the  
12          rock of what we exist for and why we do  
13          what we do.

14                    I think we would be very much  
15          agreeable to talk about if there's ways  
16          we can change the bill so that it works  
17          for the hotel too as well as our great  
18          associates.

19                    COUNCILMAN GREENLEE: Okay.  
20          That's all I'm saying. I appreciate it  
21          very much.

22                    I know Councilman Oh has a  
23          question. I know we still want to move  
24          on, because a lot of people are still  
25          here to testify.

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2           Please, Councilman Oh.

3           COUNCILMAN OH: Thank you very  
4 much, Chairman. I received a letter  
5 yesterday. I'm going to read it in part.  
6 It's from the Pennsylvania Restaurant and  
7 Lodging Association. It says, We have  
8 been negotiating in good faith on the  
9 language that was originally introduced  
10 and are disappointed that not only were  
11 our amendments not considered, but broad  
12 new provisions were included in the  
13 released amendment that were never part  
14 of previous conversations.

15           Is this what you're referring  
16 to? Are you referring to the same  
17 language that's in this letter that the  
18 negotiations have not been, in your  
19 opinion, in good faith and that new  
20 amendments were introduced that you were  
21 not a party to at a late date, like  
22 yesterday?

23           MR. HOLUB: That's correct. We  
24 received some amendments on Friday.

25           COUNCILMAN OH: What are the

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2       issues that you have with those  
3       amendments? Quite frankly, I haven't  
4       seen them either.

5               MR. HOLUB: We have -- well,  
6       hopefully --

7               COUNCILMAN OH: They were  
8       distributed. Let me not say that they  
9       weren't distributed. They were  
10      distributed. This is a very, very  
11      complicated piece of legislation. It's  
12      very bureaucratic.

13              MR. HOLUB: And the business  
14      coalition has provided the Councilmembers  
15      with a multiple-page chart here that  
16      tracks the issues that have been from day  
17      one as well as some of the new additions.

18              COUNCILMAN OH: If these  
19      amendments are included in the bill, if  
20      you're able to discuss them, and from  
21      what I've heard from the Administration,  
22      they have testified that they believe  
23      there's room for conversation, is that  
24      something that you're looking for or does  
25      it not matter? In other words, the bill



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2       is no good or the bill is okay with the  
3       amendments? What is it --

4               MR. HOLUB: I'm not entirely  
5       sure if I would get complete consensus  
6       from my membership to support the bill,  
7       but I do know you can definitely have a  
8       more workable product developed, and this  
9       community has offered very reasonable  
10      amendments, suggested amendments, with  
11      language that were not -- I can't  
12      characterize it any better than they were  
13      extremely reasonable.

14             COUNCILMAN OH: I got the  
15      point. Let me quickly move on, because I  
16      feel the pressure from the Chairman. Let  
17      me ask --

18             MR. HOLUB: It would make it  
19      much more palatable.

20             COUNCILMAN OH: We've heard  
21      from workers. We've heard from  
22      advocates. We've heard from academics.  
23      What they've basically said is that you  
24      are exercising a business practice that  
25      is not really based in intelligence.

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2 You're just doing something you always  
3 do, and with the help of software, your  
4 business will be better with predictive  
5 scheduling. I will say, so you don't  
6 have to go through this, I do object to  
7 all these penalties and presumptions of  
8 guilt and all that. Extremely unusual.  
9 It's really not even, in my opinion, like  
10 the basis of American law, rebuttable  
11 presumption, two years, city running  
12 lawsuits, all kind of crazy stuff in  
13 there. However, that's my opinion,  
14 Chairman.

15 But having said that, what is  
16 your response to the fact that you can  
17 just use software, do the predictive  
18 scheduling, and that you don't have to  
19 follow these outdated business practices?  
20 Why can't you just adopt the software and  
21 then move along with this?

22 MS. VANCE: So we use  
23 predictive scheduling software. So for  
24 us, it's not an issue of that. It's an  
25 issue -- and he used the language of

1           10/30/18 - LAW & GOV. - BILL 180649  
2           balancing predictability with  
3           flexibility, right? Because flexibility  
4           for one person who might -- my daughter  
5           gets sick and I need to be out to take  
6           her to the doctor. That impacts all the  
7           other workers in the store. We don't  
8           have -- in our case we have a position  
9           that's required to feed animals in the  
10          morning. If you have an emergency, we  
11          absolutely want to work around you, but  
12          whatever happens with your shift, it's a  
13          domino effect and it impacts other  
14          people.

15                 So I think we use predictive  
16          scheduling software, as I said. We post  
17          schedules ten days out. For us, it's not  
18          an issue of that. It's an issue of  
19          allowing us the flexibility within there,  
20          because there's so many circumstances  
21          that are unpredictable, frankly, right,  
22          between the other associates, who all  
23          create a domino effect, and you only have  
24          so many who are trained for particular  
25          jobs, as well as things like in the

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2       retail industry, we have trucks that come  
3       in at 3:00 a.m. We're relying on  
4       trucking companies that have to deal with  
5       weather or with the stop before us,  
6       because you have multiple stores on a  
7       truck and maybe at that store the  
8       forklift was broken and it delayed them.  
9       So now they're delayed getting to our  
10      store, right? So it's a domino effect of  
11      things that aren't always in our control.  
12      That's the issue I think with the  
13      punitive nature of some of this when  
14      things are beyond our control.

15                COUNCILMAN OH: So I do take  
16      what you say seriously. You are the  
17      employers that are speaking at this point  
18      in time. If anybody else has anything to  
19      say, please say it now and then we'll  
20      wrap this panel up.

21                MR. HOLUB: If I just kind of  
22      on that one point, please. Retail is one  
23      of the most competitive industries that  
24      exists, and unfortunately I've seen a lot  
25      of major brand names disappear in recent

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2       years because of that competitive nature,  
3       and I can tell you if a retailer can find  
4       efficiencies and run their business in  
5       the most effective manner possible,  
6       they're going to. So to say that I'll  
7       just do this computer program and it's  
8       the cure for everything, it's just simply  
9       not the case.

10                 One thing that a retailer can  
11       control that's in their control is their  
12       labor force, and so there always is a big  
13       focus on that. But this, as was  
14       mentioned, we need the predictability.  
15       We need the flexibility to provide that  
16       to remain competitive.

17                 COUNCILMAN OH: Thank you very  
18       much.

19                 Thank you, Chairman.

20                 COUNCILMAN GREENLEE: Thank  
21       you, Councilman.

22                 Thank you all very much. Thank  
23       you for coming.

24                 Ms. Marconi, our next panel of  
25       witnesses, please.

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2                   THE CLERK: Wendell Young,  
3 Donna Cooper, and Anna Shipp.

4                   (Witnesses approached witness  
5 table.)

6                   COUNCILMAN GREENLEE: Please,  
7 whoever would like to go first, please  
8 identify yourself and proceed. Thank  
9 you.

10                  MR. YOUNG: Councilman Greenlee  
11 and members of City Council, I'd like to  
12 thank you for the opportunity to testify  
13 on this very important topic of improving  
14 work standards for employees here in the  
15 City of Philadelphia. We're very excited  
16 to see action taken on this legislation  
17 and fully support Councilwoman Gym's  
18 efforts in this process. We believe the  
19 latest amended version of Councilwoman  
20 Gym's legislation is a compromise that  
21 will greatly improve the quality of work  
22 for tens of thousands of Philadelphians.

23                  My name is Wendell Young. I'm  
24 President of the UFCW Local 1776 Keystone  
25 State. We are a 35,000-member union

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2       representing employees in food  
3       processing, manufacturing, healthcare  
4       facilities, Pennsylvania Wine and Spirits  
5       shops, public-sector jobs, including  
6       nursing homes, as well as convenience  
7       stores and others, retail grocery and  
8       pharmacy.

9               We represent members across the  
10       entire State of Pennsylvania, and our  
11       international union represents 1.3  
12       million workers, most of whom are  
13       employed in retail.

14              Here in Philadelphia our union  
15       represents 8,000 members employed  
16       primarily in retail work sites. In terms  
17       of our Philadelphia membership, we  
18       represent employees at Acme Markets,  
19       ShopRite, Rite Aid, Fresh Grocer, and our  
20       state's Wine and Spirits stores working  
21       at 158 locations here in Philadelphia.  
22       In those 158 locations, we represent  
23       full-time and part-time retail employees  
24       who all have different stories and  
25       backgrounds. Retail grocery jobs are

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2       often perceived as a teenager's first  
3       job, a possible side gig to make a little  
4       extra cash or an extra income for someone  
5       who recently retired from the workforce,  
6       but in reality, for many of our members,  
7       these jobs have turned into full careers  
8       with livable wages, a fair healthcare  
9       package, and retirement security. Our  
10      members are proud of the work they do and  
11      the service they provide to all  
12      Philadelphians by ensuring there are real  
13      and quality grocery and retail options  
14      across every section of the City.

15               Because of our union's  
16      commitment to collectively bargain the  
17      best contracts possible to benefit our  
18      members who are employed in represented  
19      work sites, we are very excited to lend  
20      our support and advice to efforts that  
21      would advance fair scheduling legislation  
22      to help lift all retail workers in the  
23      City of Philadelphia.

24               Many of the concepts discussed  
25      around better scheduling practices would



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2       lift up the working standards for retail  
3       employees in the City. The economic  
4       benefits are clear, but so are the ideas  
5       of investing in this city's workforce,  
6       their families, and their livelihoods.  
7       Philadelphia employees, especially those  
8       who work for big box retail employers  
9       that continue to grow and expand in the  
10      City, should demand this legislation be  
11      considered so that there is a shared  
12      responsibility with their employer for  
13      more predictability in their own  
14      schedules.

15               I would like to point to  
16      Walmart and their business practices as  
17      an example of why these legislative  
18      efforts are important here in the City.  
19      As many know, Walmart is the largest  
20      employer in the United States at about  
21      1.4 million workers. Here in the City of  
22      Philadelphia, five Walmart or Walmart  
23      Super Centers exist. Walmart has a long  
24      history of low wages, little healthcare,  
25      and unfair work practices. In 2014, for

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2           example, Walmart terminated health  
3           insurance for about 30,000 workers in  
4           this country, reducing the hours below 30  
5           hours a week to ensure that they did not  
6           have to cover their part-time associates.  
7           How did Walmart reduce hours, yet keep  
8           the same level of store operations in  
9           their work site? Temporary workers.

10                   Walmart proudly boasts about  
11           their commitment to hiring temporary  
12           workers instead of providing decent,  
13           permanent, full- and part-time positions.  
14           This is directly from Walmart's website.

15                   Walmart invests -- this is the  
16           quote from their website: "Walmart  
17           invests heavily in temporary associates,  
18           and one of our primary goals is the  
19           temporary services." This is a great  
20           example of why concepts of fair  
21           scheduling legislation such as additional  
22           hours offered to part-time employees  
23           before new hires are made are incredibly  
24           important to improve the standards of all  
25           retail workers. This legislation will

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2       provide a level playing field, I would  
3       say more level playing field, so that  
4       employers who are providing adequate  
5       scheduling notice and doing their best to  
6       help their employees maximize hours are  
7       not put at a disadvantage of competing  
8       with large retail powerhouses who are not  
9       scheduling our employees with a level of  
10      fairness and advanced notice.

11               I would like to close by  
12      reiterating that this is about fairness  
13      for workers and a level playing field for  
14      employers that are doing the right thing.  
15      I can speak to the members I represent  
16      and tell you that we fight hard to  
17      reflect the bargaining to provide them  
18      with the schedule that is fair and that  
19      cannot be adjusted on them at the last  
20      minute. Our contracts protect against  
21      this type of unfair practice of switching  
22      an employee's schedule with little or no  
23      notice or reducing hours at the last  
24      minute. Our members know their work  
25      schedule and can budget their time and

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2           income and family needs appropriately.

3                   But as we continue to see the  
4           growth of big box retailers that clearly  
5           have the means and resources to open new  
6           stores in areas of the City and are not  
7           investing in their employees at the same  
8           level, we also see a race to the bottom.  
9           These scheduling concepts provide that  
10          level playing field that is so needed for  
11          workers and employers in Philadelphia.

12                   UFCW Local 1776 wholeheartedly  
13          supports those efforts, and would be  
14          happy to answer any questions.

15                   I'd like to cover a few things  
16          that are not in --

17                   COUNCILMAN GREENLEE: Okay. If  
18          we can quickly, please, because we still  
19          have a lot of people to testify.

20                   MR. YOUNG: I was here for most  
21          of the earlier testimony, although I had  
22          to step out and miss some of what the  
23          folks from the last panel had to say, but  
24          I've heard a few things here today.  
25          First of all, the technology that exists

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2           today that all these retailers are using  
3           gives them a lot of predictability. This  
4           is not like it was 20, 30 years ago where  
5           retailers really don't know what to  
6           expect day to day. Sure there's some  
7           variances, and that's the nature of the  
8           business, but their budgets are built in  
9           weeks and months in advance. They  
10          predict ahead way beyond a week or two in  
11          what their scheduling needs are going to  
12          be, and they have the capacity and the  
13          capability in the current technology to  
14          do the right thing here and meet the  
15          needs of this.

16                 By not changing this, to allow  
17          the status quo to continue, this just  
18          keeps people poor and working in a  
19          poverty level, and it disproportionately  
20          affects women and people of color.

21                 (Applause.)

22                 MR. YOUNG: These same  
23          employers who come here and tell you that  
24          they can't adjust the minimum wage and  
25          tell you they can't do this act a lot

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2        differently out in the suburbs, and I  
3        heard one City Councilperson say earlier  
4        that maybe this would create a jobs  
5        problem here in Philadelphia -- or asked  
6        the question would it. Well, I would  
7        suggest that we would have reverse border  
8        bleed. Because right now people who want  
9        something better will go out to King of  
10       Prussia, to Bucks County, to Chester  
11       County, to Delaware, across the river and  
12       pay the toll to go to some of those  
13       shopping centers not far out of  
14       Philadelphia, 15 minutes down the road,  
15       because the hourly wages of the start  
16       rate are so much higher and if the  
17       scheduling here in Philadelphia was  
18       better. Because I don't think they take  
19       it out on those suburban people the way  
20       they do here in Philadelphia. They are a  
21       lot more accommodating there, and  
22       evidence of it is, I went to that meeting  
23       at Bill Sasso's office that him and Pat  
24       Eiding had. I sat at a table with a  
25       number of major retailers. Others I know

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2       at the other tables reported the same  
3       thing I heard: Everything is fine.  
4       They're already doing what's in this bill  
5       and more. It's the way they practice.

6               I would suggest to you that in  
7       most of the suburban counties, they do.  
8       In Philadelphia, they do not. And if  
9       they're already doing it, then this bill  
10      shouldn't be a problem. They know how to  
11      do it. They claim they're doing it.  
12      Let's --

13               (Applause.)

14              MR. YOUNG: Let's get to it and  
15      hold them accountable.

16               (Applause.)

17              COUNCILMAN GREENLEE: Thank  
18      you. Thank you, Mr. Young.

19               Donna.

20              MR. YOUNG: This is not  
21      anti-business. This is pro-worker, and  
22      it's the right thing to do.

23               Thank you.

24               (Applause.)

25              MS. COOPER: My name is Donna

1           10/30/18 - LAW & GOV. - BILL 180649  
2           Cooper. I'm the Executive Director of  
3           Public Citizens for Children and Youth,  
4           and I want to thank the Committee and the  
5           Committee Chair for his patience in  
6           running an efficient hearing and giving  
7           me the chance to testify.

8                     Our reason to be here today is  
9           to first thank the eight sponsors of the  
10          bill and to urge a yes vote coming out of  
11          this Committee.

12                    (Applause.)

13                   MS. COOPER: I will be very  
14          brief. We are only here because we  
15          believe that when parents have a work  
16          schedule, they can be good parents. And  
17          when they're good parents, they're good  
18          workers.

19                    In prior testimony, we pointed  
20          out that 66 percent of the people in the  
21          service sector don't have schedules --  
22          have schedules already. I apologize.  
23          And 40 percent of them already have  
24          schedules two weeks in advance. There  
25          are lots and lots of employers in the



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2           service sector that are already doing  
3           this, and the ones who aren't are behind  
4           the times.

5                     It costs \$1,500 for every  
6           worker turnover in the retail sector, and  
7           yet you heard earlier today you could  
8           drive down your turnover rate from 6  
9           percent to 1 percent by being respectful  
10          of your employees and doing predictable  
11          scheduling. Employers will save money by  
12          using this kind of scheduling software  
13          and being respectful of their employees.

14                    Before coming here today, I  
15          spoke with the HR professionals that I  
16          know informally with a big box store, a  
17          big box food retailer, and a big box  
18          manufacturer/retailer, all operating in  
19          Philadelphia. One that's national said,  
20          We have no problem with this happening in  
21          Philly, we already have to do it in so  
22          many other cities. As long as things are  
23          uniform, it's better for us. But they  
24          are already putting scheduling software  
25          in place in one of the biggest electronic

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2           sales companies in this city.

3                     One of our biggest food  
4           companies already asked their managers to  
5           do one-month schedules. What they say to  
6           me, Councilman Greenlee and Councilman  
7           Oh, is that their biggest challenge isn't  
8           asking their managers to give employees  
9           schedules. It is the shortage of  
10          qualified workers that is making  
11          scheduling challenging for them. And if  
12          we could do better jobs in delivering  
13          workers through our workforce system,  
14          they have no problem with doing two  
15          weeks, let alone one-month scheduling.

16                    And the final industry, which  
17          is a locally owned retailer that has  
18          multiple locations in Philadelphia, said  
19          they already do it. They are a  
20          Philadelphia company. They are growing,  
21          and they do it with scheduling software.

22                    So I think that the question of  
23          people being able to say that this is a  
24          cost to business, businesses will save  
25          money by decreasing turnover.

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2 But the more important question  
3 for us here is the loss of childcare  
4 resources. When parents do not have  
5 predictable work schedules, they can't  
6 have predictable childcare. It costs  
7 them money. One worker already talked  
8 about being late, but you can't maintain  
9 your state subsidy for childcare if your  
10 hours fluctuate radically week by week.

11 We say to poor people, go get a  
12 job. That's the pathway out of poverty.  
13 For those mothers, they can't do that  
14 without childcare.

15 So PCCY says being a good  
16 worker and a good parent is good for  
17 business, and that's what this bill  
18 enables. Please vote yes.

19 (Applause.)

20 COUNCILMAN GREENLEE: Thank  
21 you.

22 Ms. Shipp.

23 MS. SHIPP: Thank you.

24 Apologies for being late. Chair Greenlee  
25 and Vice Chair Green and members of the

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2           Committee, thank you for having me here  
3           today to speak in support of Bill 180649.  
4           My name is Anna Shipp and I am the  
5           Executive Director of the Sustainable  
6           Business Network of Greater Philadelphia.  
7           SBN is a community of locally owned,  
8           independently held businesses who  
9           practice every day the triple bottom  
10          line. Every day our members implement  
11          policies and practices that prove a  
12          business can be successful while  
13          providing strong benefits to their  
14          employees and communities and protecting  
15          the environment. SBN brings together  
16          these business leaders to exchange  
17          learnings and best practices and to  
18          advocate in favor of a just, green, and  
19          thriving economy in our region.

20                 Fair workweek policies provide  
21          benefits to both employers and employees.  
22          Research has shown that businesses who  
23          implement these policies have seen higher  
24          profits, reduced turnover, lower rates of  
25          absenteeism, and improved worker

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2           performance. An example, from the Center  
3           for Popular Democracy, the 19 Gap stores  
4           that participated in a study on stable  
5           schedules earned an additional \$2.9  
6           million in revenue over an eight-month  
7           period and increased sales by an average  
8           of 7 percent, which is three more times  
9           the average yearly sales increase that  
10          most retailers aim for. And they also  
11          saw 5 percent increase in labor  
12          productivity. Stable employees are happy  
13          employees and they work harder and they  
14          stay longer.

15                 Another study found that  
16          providing employees with enough hours to  
17          live on significantly reduced turnover,  
18          which, to your point, can also cost  
19          businesses 20 percent of annual pay.

20                 Employees who have a say in the  
21          development of their schedules are  
22          compensated fairly for short-term changes  
23          in schedule and who are allowed to  
24          adequately rest between shifts are more  
25          engaged, healthier, and perform better

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2           than those who do not.

3                   As the poorest big city in this  
4           country, it is critical that we implement  
5           policies that support an equitable and  
6           inclusive economy. When employers treat  
7           workers as the assets they are,  
8           businesses, workers, and our economy all  
9           benefit.

10                   (Applause.)

11                   MS. SHIPP: Businesses today  
12           have the resources necessary to shift to  
13           fair workweek scheduling and, more  
14           importantly, there are clear economic  
15           benefits for both workers and employers.  
16           And, again, we see this every day within  
17           our membership.

18                   I commend the Committee for  
19           taking action on this important  
20           legislation and urge you to vote in favor  
21           of this bill and help us take one more  
22           step towards the just, green, and  
23           thriving economy of our future.

24                   Thank you.

25                   COUNCILMAN GREENLEE: Thank

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2           you. Thank you very much.

3                   (Applause.)

4                   COUNCILMAN GREENLEE: Thank you  
5           for testifying. Thank you for your  
6           patience and hanging in there. I know  
7           it's been a long day. I appreciate it.

8                   Ms. Marconi, our next panel,  
9           please.

10                  THE CLERK: Tasha Denkins or  
11           Theresa Manley from Wendy's. I'm not  
12           sure which one is here. Xavier Veliz or  
13           Olisa Colon from Wendy's. I'm not sure  
14           who is here. Brian Hastings.

15                  COUNCILMAN GREENLEE: Any of  
16           those names here?

17                  MR. HASTINGS: Here.

18                  COUNCILMAN GREENLEE: You want  
19           to come forward, please.

20                   (Witnesses approached witness  
21           table.)

22                  COUNCILMAN GREENLEE: Wait a  
23           minute. How many people do we have? I  
24           think it was Tasha Denkins or Theresa  
25           Manley, right?

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2                   UNIDENTIFIED SPEAKER: Well,  
3 we're from Wendy's.

4                   COUNCILMAN GREENLEE: Okay. I  
5 mean, we've been trying to get every  
6 organization to have one speaker, in all  
7 fairness, and I want it to be fair to the  
8 other people that we only allowed one  
9 too. So I think really if we can have  
10 one from Wendy's and one from Aramark, I  
11 think we want to be fair. Okay? Whoever  
12 would like to speak. Whoever would like  
13 to do that. Because, again, I cut other  
14 people in saying they could not -- we  
15 could have a whole lot of people come up  
16 here from the same group.

17                   So, please. Please identify  
18 yourself and proceed.

19                   MR. VELIZ: Good afternoon to  
20 all. My name is Xavier Veliz. As a  
21 General Manager of the Wendy's restaurant  
22 located in Queens Village, New York, I  
23 have faced many challenges in our  
24 business regarding the new restrictive  
25 scheduling law that was passed in New



1           10/30/18 - LAW & GOV. - BILL 180649  
2           York City last year. I work side by side  
3           daily with my entire crew team and  
4           management team together and have met our  
5           business goals and personal growth goals.  
6           However, as of November 26, 2017, the  
7           scheduling law was put into effect and a  
8           lot of things have changed that have hurt  
9           employee morale and the flexibility of  
10          our operation and our entire team.

11                       Before this law, we had a  
12          flexible family culture and environment  
13          in our restaurant. If a crew member  
14          needed to change their schedule, they  
15          could call in advance, speak to a  
16          manager, and the manager could make a  
17          change to their schedule. They could  
18          also swap a shift with a fellow crew  
19          member and advise management of the  
20          change, and then management would update  
21          the schedule. Now with the new law, crew  
22          members cannot be flexible with their  
23          schedule and cannot make any changes at  
24          the last minute. In case of an  
25          emergency, it causes more challenges

1       10/30/18 - LAW & GOV. - BILL 180649  
2       regarding scheduling and making sure that  
3       the crew members have their required  
4       hours for the week.

5               I had an employee who was  
6       worried about being late for her shift  
7       because of the scheduling law. She was  
8       running late for work when a police  
9       officer pulled her over and gave her a  
10      ticket. She came into work crying  
11      because she was speeding so she wouldn't  
12      clock in late and get a notation, which  
13      breaks my heart. She shouldn't have  
14      worried about being a few minutes late  
15      for her shift will result in a write-up.

16              I really feel that instead of  
17      protecting our crew members, it is making  
18      things worse for them. We have similar  
19      stories of high school students and crew  
20      members who don't know in advance when  
21      appointments or school activities will  
22      arise. Per the restrictive scheduling  
23      law, schedules need to be made three  
24      weeks in advance. Sometimes our crew  
25      members have to miss their appointments

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2           or activities because they know they are  
3           responsible to work the shifts that are  
4           scheduled. Now my employees feel that  
5           they are working under obligation rather  
6           than being flexible.

7                       Flexible scheduling in a family  
8           environment boosts morale and limits  
9           turnover. Prior to this new law, I was  
10          able to hire part-time college students  
11          and part-time high school students, but  
12          now that group of potential candidates is  
13          no longer available. I sometimes feel  
14          bad for those students that we had  
15          working for us and I know are  
16          academically doing well in school and  
17          they are trying to help their parents  
18          with putting in a Friday or Saturday day  
19          of work because those are the only days  
20          it can be done in order to maintain their  
21          grades. The New York law now has limited  
22          our ability to keep those teammates  
23          previously hired employed.

24                      I know when I was starting this  
25          business, I was a student working part

1       10/30/18 - LAW & GOV. - BILL 180649  
2       time for three years while attending  
3       college. That was the only way for me to  
4       have extra money to pay for books,  
5       clothes, and lunch money. Students need  
6       these jobs, but they also need  
7       flexibility, and the law doesn't allow us  
8       to give them that anymore.

9               The work environment is no  
10       longer a family fun place to work. Not  
11       only is scheduling a concern, there is so  
12       much documentation and paperwork that has  
13       to be done on a daily basis.  
14       Documentation is required for every  
15       situation, for lateness, for schedule  
16       changes, for staying past your scheduled  
17       time, for wanting to leave early due to  
18       bad weather or being able to come into  
19       work because of bad weather, for being  
20       sick, for leaving due to emergency. Any  
21       changes to the crew member's schedule  
22       requires documentation and signature from  
23       the crew member. More workload and  
24       pressure are added, and we are faced with  
25       the possibility of losing that great

1       10/30/18 - LAW & GOV. - BILL 180649  
2       teammate. We now have a city law that  
3       prevents employers from making  
4       last-minute decisions for the well-being  
5       of their staff. Management will get  
6       penalized for adjusting or calling  
7       someone into work in order to relieve  
8       pressure and stress from those that are  
9       being valuable and loyal to their job.

10               The restricted scheduling has  
11       been extremely hard to manage. Teammates  
12       don't feel the need to work many hours  
13       anymore, which has increased the number  
14       of call-outs and requests to leave early,  
15       and management has to document these  
16       changes, which requires more paperwork.  
17       The crew members feel as though they are  
18       being targeted and their job is in  
19       jeopardy. Management has explained the  
20       law over and over and how it is not a  
21       company policy but New York law, but the  
22       crew members do not see it this way. Our  
23       organization has a culture and it is  
24       being jeopardized by this new law. My  
25       personal opinion is that business will

1           10/30/18 - LAW & GOV. - BILL 180649  
2           not survive with this new restrictive  
3           law, so our crew members working in this  
4           tense atmosphere will seek other  
5           employment.

6                     It is my hope that Philadelphia  
7           learns from the mistakes that have been  
8           made in New York City. Our crew members  
9           have found that the law has made their  
10          lives worse, not better. We've lost many  
11          good teammates because while they enjoyed  
12          working with us, they needed more  
13          flexibility with their schedule and we're  
14          no longer allowed to give them that.

15                    Council has an opportunity to  
16          improve this bill and make it better for  
17          businesses that operate in the City and  
18          for workers who want the flexibility to  
19          set or change their schedule based on  
20          their things that come up in their lives.  
21          I hope our crew members in Philadelphia  
22          will not have to deal with the problems  
23          that the law has created for our  
24          teammates in New York.

25                    COUNCILMAN GREENLEE: Thank

1           10/30/18 - LAW & GOV. - BILL 180649

2           you.

3                     Who wants to represent Aramark?

4           Please.

5                     Again, I want to be fair to  
6           everybody and have one representative  
7           from each group, because some of the  
8           groups we had earlier could have sent  
9           about ten people up here, but we try to  
10          work it out.

11                    Please, identify yourself and  
12          proceed.

13                    MR. HASTINGS: Sure. Good  
14          afternoon, Chairman. I am Brian  
15          Hastings, District Manager at Aramark  
16          with responsibility for Citizens Bank  
17          Park, Lincoln Financial Field, Wells  
18          Fargo, and the Pennsylvania Convention  
19          Center. Thank you for the opportunity to  
20          testify on Bill No. 180649.

21                    Aramark is one of the many  
22          businesses that engaged with Councilwoman  
23          Gym on the proposed legislation since  
24          May. Aramark has participated in  
25          multiple business roundtable discussions

1       10/30/18 - LAW & GOV. - BILL 180649  
2       and meetings with Councilwoman Gym and  
3       other members of Council. Aramark has  
4       not tried to prevent passage of the bill  
5       even though it will be costly and  
6       administratively difficult for Aramark to  
7       comply with its many forms. Instead,  
8       working with the PRLA, fellow Chamber of  
9       Commerce members, and others, Aramark has  
10      offered constructive amendments.

11               (Audience members coughing.)

12               COUNCILMAN GREENLEE: Excuse  
13      me.

14               Please. All right? It's  
15      pretty obvious what you're trying to do.  
16      Remember, I can stop the hearing any  
17      time.

18               Sir, please.

19               MR. HASTINGS: These amendments  
20      acknowledge and preserve the bill's core  
21      goals while balancing compliance,  
22      negative impacts to employees and  
23      operation.

24               At every one of these  
25      roundtable meetings and events, Aramark



1           10/30/18 - LAW & GOV. - BILL 180649  
2           has raised the need for ticketed events  
3           exception to the bill. Language  
4           implementing such an exception was  
5           included in the proposed amendments that  
6           the business community coalesced around  
7           and provided to Council.

8                     A ticketed event exception is  
9           not unprecedented. The recently enacted  
10          Oregon predictive scheduling law contains  
11          just such an exception. In contrast,  
12          Seattle's secure scheduling law does not  
13          contain the exception, and I think  
14          Aramark's experience in the city is  
15          important for the Committee to understand  
16          as it considers the bill. I would like  
17          to share with you significant  
18          difficulties that my counterpart with  
19          responsibilities for the Seattle Sports  
20          Center entertainment market has faced  
21          since the city has passed a very similar  
22          law.

23                    In Seattle, Aramark provides  
24          services at many NCAA sporting events.  
25          The start times of these events are not

1           10/30/18 - LAW & GOV. - BILL 180649  
2           always announced 14 days in advance.  
3           Because we must post schedules 14 days in  
4           advance, however, we have to guess at the  
5           timing of the events. When we guess  
6           wrong, which is most of the time, we owe  
7           every employee working that event an hour  
8           of predictability pay.

9                     Similarly, when an event runs  
10          longer than scheduled; for example, a  
11          football game going into overtime, we  
12          must send folks running through the  
13          stadium to secure a written consent from  
14          each employee to stay longer. Then we  
15          have to pay each employee who chooses to  
16          stay an hour of predictability pay. It  
17          is a huge administrative, operational,  
18          and financial burden.

19                    There's another group of  
20          employees that have been hurt in Seattle  
21          and will be hurt in Philadelphia if the  
22          bill passes in its current form -  
23          employees who want to work more hours.  
24          This is ironic, because perhaps they are  
25          the primary group both laws were intended

1           10/30/18 - LAW & GOV. - BILL 180649  
2           to help. In Seattle, we are now forced  
3           to staff every covered event location,  
4           from a Huskies football game to a museum  
5           gift shop, as leanly as possible. Before  
6           the law passed, if business was strong,  
7           everyone benefited. If business was  
8           slow, we would respond by giving some  
9           people the option to go home early.  
10          Because of the predictability pay  
11          requirements, however, that is no longer  
12          a realistic option financially. Now on  
13          busy days, customer service and revenues  
14          suffer. Employees miss out on shifts  
15          they once would have worked, and their  
16          short-staffed co-workers have to work  
17          harder.

18                 Similarly before the law  
19          passed, we would often allow employees  
20          eager for more hours to stay later than  
21          scheduled and help after an event. Now  
22          we have to turn those employees down  
23          because an extra hour at the end of an  
24          event actually costs us two hours of pay.

25                 As the Councilwoman proposed to

1           10/30/18 - LAW & GOV. - BILL 180649  
2       amend it on Friday, Bill No. 180649 will  
3       have the same negative impact at sporting  
4       events in Philadelphia. Business reality  
5       is that we will be forced to staff more  
6       lenient to avoid predictability pay.  
7       This would be a particular irony, because  
8       Aramark's thousands of workers at the  
9       stadium have already negotiated their own  
10      solution to scheduling through their  
11      unions. The collective bargaining  
12      agreements between Aramark and those  
13      employees addresses the unique aspects of  
14      our business and strikes a balance  
15      between Aramark's operation and the needs  
16      of its employees.

17                If we send an employee at the  
18      stadiums home earlier than scheduled  
19      because business is slow, he or she is  
20      still guaranteed to be paid for a full  
21      shift. When a Phillies game is cancelled  
22      within two hours of game time, our  
23      employees still receive two and a half  
24      hours of pay. Our employees at the Wells  
25      Fargo Center are allowed to call out from

1       10/30/18 - LAW & GOV. - BILL 180649  
2       a scheduled shift for any reason or no  
3       reason up to nine times per season with  
4       no consequences.

5               These are only a few of the  
6       examples of protections built into our  
7       CBAs after many rounds of careful  
8       negotiations. It doesn't make any sense  
9       to throw out this custom-built solution  
10      in favor of a one-size-fits-all approach.

11             In closing, I would ask the  
12      Committee to carefully consider not just  
13      the goals of the bill, which are  
14      admirable, please consider the actual  
15      mechanics of it and the unintended  
16      consequences those mechanics will have.  
17      Aramark and the business community have  
18      given careful consideration to these  
19      consequences, and the amendments  
20      presented to Council by the PRLA do much  
21      to mitigate them while preserving the  
22      primary aims of the bill.

23             Thank you for the opportunity  
24      to testify on Bill 180649.

25             COUNCILMAN GREENLEE: Thank

1           10/30/18 - LAW & GOV. - BILL 180649  
2           you. Mr. Hastings, one real quick  
3           question. So what you're asking for is  
4           the ticketed events to be taken out of  
5           the law? Is that basically --

6                     MR. HASTINGS: That's one of  
7           the amendments we're asking to be  
8           addressed, yes.

9                     COUNCILMAN GREENLEE: And that  
10          would be the thing that would affect  
11          Aramark, right?

12                    MR. HASTINGS: I'm sorry?

13                    COUNCILMAN GREENLEE: That  
14          would be the issue that would affect  
15          Aramark the most, the ticketed events?

16                    MR. HASTINGS: It's a serious  
17          one, but there's others in other lines of  
18          business that would also impact Aramark.

19                    COUNCILMAN GREENLEE: Okay. As  
20          I said, if this bill passes out of  
21          Committee, there's still time to talk  
22          about other things. I understand what  
23          you're saying, but we are trying to find  
24          that balance, as you know. So thank you.

25                    Thank you both very much.

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2 MR. HASTINGS: Thank you.

3 COUNCILMAN GREENLEE: Ms.

4 Marconi, I think this is our last panel.

5 THE CLERK: Vanessa Fields, Dr.

6 Nina Ahmad, and Aurica Hurst.

7 (Applause.)

8 (Witnesses approached witness  
9 table.)

10 COUNCILMAN GREENLEE: So this  
11 will be our final panel to testify. Then  
12 we'll be going into a public meeting.  
13 Okay?

14 Ms. Fields, I think your name  
15 was called first. Would you like to go  
16 first? Or whoever.

17 MS. FIELDS: Oh, okay.

18 COUNCILMAN GREENLEE: And I  
19 appreciate your patience. I know it's  
20 been almost three hours, but we are  
21 trying to move it as fast as we can and  
22 still get folks to get their point  
23 across. So, please, Ms. Fields, please.

24 MS. FIELDS: Okay. I'm sorry.  
25 I had to wake up.

1           10/30/18 - LAW & GOV. - BILL 180649

2                   COUNCILMAN GREENLEE: You mean  
3 we haven't kept you awake over there?

4                   MS. FIELDS: Good afternoon.

5 My name is Vanessa Fields and I am  
6 speaking on behalf of the Philadelphia  
7 Commission for Women, where I am a  
8 Commissioner and the Co-Chair of the  
9 Policy and Advocacy Committee. I also  
10 represented the Commission at the public  
11 hearing regarding this legislation, and  
12 the Commission sponsored a town hall  
13 meeting last week regarding this topic.  
14 So as you can see, the Commission clearly  
15 supports this very important piece of  
16 legislation.

17                   The Philadelphia Commission of  
18 Women is charged with promoting civic,  
19 educational, and economic policies for  
20 women and providing advice and  
21 recommendations to the Mayor and City  
22 Council on policies and programs that  
23 advance equal rights and opportunities  
24 for women in the City.

25                   Unstable work schedules



1       10/30/18 - LAW & GOV. - BILL 180649  
2       primarily impact women and their  
3       children. The Commission thanks  
4       Councilwoman Gym for her leadership in  
5       crafting legislation that addresses  
6       unstable work schedules.

7               There's been a lot of talk  
8       about Philly's increasing millennial  
9       population and its building boom.  
10       However, there's one title the City can't  
11       shake. Philly remains the poorest large  
12       city in the United States. Most of these  
13       poor households are headed by women.  
14       Most of these women work in retail, food  
15       service, and the hospitality industry.  
16       These industries are oftentimes  
17       low-paying jobs with unstable work  
18       schedules.

19              Unstable work schedules  
20       exacerbate these women's ability to  
21       effectively address their own health  
22       needs, ability to parent effectively, and  
23       move out of poverty. This legislation  
24       will enable these women to manage their  
25       lives and hopefully move out of poverty.

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2           Imagine, manage their lives, something  
3           that you and I and others take for  
4           granted every day.

5                       These women would be able to  
6           manage their lives and develop a plan out  
7           of poverty. They could obtain their GED,  
8           a college degree or other training that  
9           would enable them to obtain a better  
10          paying job.

11                      So, City Councilmembers, if you  
12          are sincere in addressing poverty in  
13          Philly, if you want to get rid of the  
14          stigma of Philly being the largest poor  
15          city in America, you will support,  
16          endorse, vote favorably on this  
17          legislation that addresses unstable work  
18          schedules.

19                      Thank you.

20                      COUNCILMAN GREENLEE: Thank you  
21          very much.

22                      (Applause.)

23                      COUNCILMAN GREENLEE: Dr.

24          Ahmad.

25                      DR. AHMAD: Good afternoon.

1 10/30/18 - LAW & GOV. - BILL 180649

2 Thank you, City Councilmembers, two of  
3 you, for the opportunity to testify today  
4 on Bill No. 180649. My name is Nina  
5 Ahmad and I am the former President of  
6 the Philadelphia Chapter of the National  
7 Organization for Women, known as NOW, and  
8 currently a Board member of the National  
9 Board of NOW. As a grassroots arm of the  
10 women's movement, NOW is dedicated to its  
11 multi-issue and multi-strategy approach  
12 to women's rights and is the largest  
13 organization of feminist grassroots  
14 activists in the United States. NOW  
15 advocates for a wide range of economic  
16 justice issues affecting women, including  
17 welfare reform, livable wages, job  
18 discrimination, pay equity, housing,  
19 Social Security, and pension reform and  
20 much more.

21 Low wages can make it hard for  
22 workers to support themselves and their  
23 families, and increasingly women make up  
24 the majority of low-wage workers.

25 However, wages are not the only problem.

1           10/30/18 - LAW & GOV. - BILL 180649

2           The colossal damage of low-wage work are  
3           the scheduling challenges and their  
4           consequences. The work schedule in these  
5           jobs are often unpredictable, unstable,  
6           and inflexible. Some require working  
7           nights, weekends or even overnight, and  
8           many offer only part-time work despite  
9           many workers' needs for full-time hours.

10                   Women are disproportionately  
11           affected by this problem since they have  
12           significant responsibilities outside the  
13           job, including caregiving, pursuing  
14           education, workforce training or holding  
15           down a second job. The unpredictable  
16           hours and volatile income has a deep  
17           impact on childcare and affects our most  
18           vulnerable Philadelphians, our babies.  
19           Our low-wage workers' ability to access  
20           quality, affordable, and stable childcare  
21           is often compromised by challenging work  
22           schedules.

23                   With unpredictable weekly  
24           schedules, childcare becomes an ad hoc  
25           situation cobbled together at the last

1           10/30/18 - LAW & GOV. - BILL 180649  
2       minute. Since many centers require  
3       caregivers to pay a weekly or monthly  
4       fee, regardless of how often the child  
5       attends, holding a spot in childcare  
6       centers is often infeasible for workers  
7       who do not know when or if they will work  
8       that week. Further, workers with  
9       unstable schedules may not qualify for  
10      childcare subsidies due to fluctuations  
11      in income and work hours. To qualify in  
12      Pennsylvania, parents must work 20 or  
13      more hours or work ten hours or go to  
14      school or training for ten more hours.  
15      Relying on family, friends, and neighbors  
16      to provide childcare, as most workers in  
17      low-wage jobs must do, is complicated by  
18      the fact that the childcare providers may  
19      also be balancing an unpredictable  
20      part-time work schedule at their own jobs  
21      with providing childcare. In one study,  
22      40 to 60 percent of workers who reported  
23      missing work due to childcare problems  
24      also reported losing pay or benefits or  
25      being penalized in some way.

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2                   Unfortunately, many of low-wage  
3 workers are not represented by unions,  
4 and until we make it easier to organize  
5 unions, legislation will be the route to  
6 improving working conditions for many  
7 low-wage service-sector employees.

8                   Expanding hours for the  
9 underemployed is an important step  
10 towards helping more working  
11 Philadelphians move out of poverty.  
12 Although this legislation would help all  
13 low-wage workers, women and people of  
14 color would be primary beneficiaries.  
15 Women are still the primary caregivers of  
16 young children, who makes arrangements  
17 for childcare, medical care.  
18 Unpredictable schedules are a heavy  
19 burden for women trying to juggle work  
20 schedules.

21                   I would like to thank the  
22 sponsors of this bill, Councilwoman Gym,  
23 Henon, Quinones-Sanchez, Squilla,  
24 Greenlee, Jones, Blackwell, and Johnson.  
25 I urge City Council to pass this bill and

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2           the Mayor to sign it.

3                   Thank you.

4                   (Applause.)

5                   COUNCILMAN GREENLEE: Thank  
6           you.

7                   Ms. Hurst.

8                   MS. HURST: Good evening. My  
9           name is Aurica Hurst and I'm testifying  
10          on behalf of One PA and also my sister,  
11          Symphony Hurst, who testified months ago  
12          at the press conference, but due to lack  
13          of unpredictable scheduling, she was  
14          called into work last minute. So I'm  
15          speaking on her behalf.

16                   I'm a community organizer for  
17          One Pennsylvania, so I would like to say  
18          that, and I'm talking to community  
19          members every day, and even my Co-Chair,  
20          who was Co-Chair of Southwest Chapter, is  
21          unable to come to meetings and unable to  
22          come out because she doesn't get her  
23          schedule until the Sunday before her week  
24          starts. So I just wanted to speak to  
25          that as well.

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2                   So my sister states here, I am  
3           one out of 73 percent of Philadelphia  
4           workers in this sector whose family  
5           experiences chronic stress from a result  
6           of my work schedule. Other than working,  
7           I couldn't live. I had no time to go to  
8           doctors because I was always trying to  
9           pick up more shifts to pay bills. If I  
10          didn't have enough money for childcare on  
11          a certain day, I couldn't go back to  
12          work, which obviously made the problem  
13          worse.

14                   I even tried to withhold  
15          information that I was a parent in job  
16          interviews. When employers hear that  
17          they have a mom employee, they side-eye  
18          her and assume that if they give her 50  
19          or more hours, she won't be able to  
20          work -- she won't be able to come into  
21          work because she has to take care of her  
22          child. But if moms like me got  
23          consistent hours, we could more  
24          adequately plan for whatever may come up  
25          with our children.



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2                   Now, I am not a parent, but I  
3       worked several retail positions, and I'm  
4       just here to say that from people that  
5       are speaking on behalf of college  
6       students, I needed a predictable  
7       schedule. I was working full time and in  
8       school full time. So for the people that  
9       stood here today and said that college  
10      students love flexibility, no, I was --  
11      me and other college students who were  
12      actually the first in our family to go to  
13      college are holding down 40 hours a week  
14      and also trying to balance a schedule in  
15      college. So actually college students  
16      need a schedule that they can rely on.  
17      So that makes no sense at all.

18                   (Applause.)

19                   MS. HURST: Seeing my sister  
20      work hard endlessly and having to drop  
21      out of college to take care of my  
22      five-year-old niece brought tears to my  
23      eyes, because we both graduated from John  
24      Bartram High School and I was able to  
25      graduate from Temple University, and a

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2           lot of times having unpredictable  
3           scheduling cost me my jobs. I had to  
4           choose between going to class or going to  
5           work. Like I said, I graduated from John  
6           Bartram High School, a school that is  
7           still very much underfunded. So it was  
8           hard for me to even imagine going to  
9           college.

10                   A lot of people in the City of  
11           Philadelphia across Southwest  
12           Philadelphia, West Philadelphia, and  
13           North Philadelphia complain that they  
14           cannot come to community meetings because  
15           they don't get their schedule before the  
16           week that they have to work. So if  
17           they're trying to engage with their local  
18           electors and if they are trying to come  
19           out to community meetings to find out  
20           about what is being voted on, they're  
21           unable to even come out today, because  
22           they don't know what their schedule is  
23           going to be.

24                   If we want to have a democratic  
25           society here in Philadelphia and we want

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2           to have constituents who are up to date  
3           about what's going on, we have to support  
4           them in their work as well.

5                       So I just want to be here to  
6           say that as a community organizer, as  
7           someone who is talking to people every  
8           single day, people in Philadelphia want a  
9           fair workweek.

10                      So I will allow for the rest of  
11           my time to say: What do we want?

12                      AUDIENCE MEMBERS: Fair  
13           workweek.

14                      MS. HURST: When do we want it?

15                      AUDIENCE MEMBERS: Now.

16                      MS. HURST: What do we want?

17                      AUDIENCE MEMBERS: Fair  
18           workweek.

19                      MS. HURST: When do we want it?

20                      AUDIENCE MEMBERS: Now.

21                      MS. HURST: What do we want?

22                      AUDIENCE MEMBERS: Fair  
23           workweek.

24                      MS. HURST: When do we want it?

25                      AUDIENCE MEMBERS: Now.

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2           MS. HURST: Thank you guys and  
3           thank you all for signing on to the bill,  
4           and I'm hoping that your colleagues will  
5           hear from you guys today and also vote  
6           yes.

7           (Applause.)

8           COUNCILMAN GREENLEE: Okay. If  
9           there are no questions, thank you. Thank  
10          you all.

11          We have no other panelists.  
12          That will conclude our public hearing. I  
13          think we heard from a lot of people here  
14          today on both sides.

15          We will go into a public  
16          meeting, and we're going to delay that  
17          meeting, and hang in there. Okay? We're  
18          going to try to work some things out  
19          here. Okay? So we're now in a public  
20          meeting.

21          Thank you.

22          (Short recess.)

23          (Applause.)

24          COUNCILMAN GREENLEE: Trust me,  
25          I share your applause.

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2           As I stated earlier, we are in  
3           a public meeting of the Committee on Law  
4           and Government. For the record, we have  
5           a quorum with Councilman Green,  
6           Councilwoman Gym, Councilwoman Bass,  
7           Councilman O'Neill, and Councilman Oh.  
8           So we are well above the quorum level.

9           We have worked out some  
10          amendments, and I'm recognizing the  
11          sponsor, Councilwoman Gym, to describe  
12          briefly those amendments. Thank you.

13          COUNCILWOMAN GYM: Yes. Okay.  
14          First of all, I want to thank everybody  
15          in this audience, and especially my  
16          colleagues, for working together to come  
17          up with a series of amendments that we  
18          believe maintain all the core protections  
19          of a solid and historic fair workweek  
20          bill here in the City of Philadelphia.  
21          All of those are still in place and that  
22          there are modest changes that will not  
23          harm those core protections.

24          Among the changes that are  
25          being recommended to the Committee are a

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2       phase-in from up to 14 days, a limited  
3       change in exceptions for ticketed events.  
4       There's been a minor adjustment to the  
5       length of clopenings with still a strong  
6       protective measure in place. There are  
7       no broad-based exemptions within the  
8       bill, and that there is an exception for  
9       serious and documented disciplinary  
10      actions from predictability pay.

11               I think with all of these  
12      amendments to the bill, I believe --  
13      first of all, I want to thank very  
14      seriously every single member of this  
15      Committee. I absolutely want to thank  
16      especially Chairman Greenlee. I want to  
17      thank Majority Leader Bobby Henon, Vice  
18      Chair Derek Green, Councilmember Cindy  
19      Bass, Brian O'Neill, David Oh, and Curtis  
20      Jones, Jr. for all being engaged and  
21      thoughtful about what is an appropriate  
22      bill that both protects our employers and  
23      their best practices, but fundamentally  
24      puts us a huge step forward in ensuring  
25      the rights of workers in the City of

1           10/30/18 - LAW & GOV. - BILL 180649  
2           Philadelphia. And I want to thank  
3           everybody in this audience and especially  
4           my colleagues who helped make this  
5           possible.

6                       COUNCILMAN GREENLEE: Thank  
7           you, Councilwoman. And kudos to everyone  
8           who has worked on this.

9                       The record will also reflect  
10          our Majority Leader, Councilman Henon, is  
11          present.

12                      All right. The Chair  
13          recognizes Councilman Green.

14                      COUNCILMAN GREEN: Thank you,  
15          Chairman Greenlee. These amendments have  
16          been circulated to all members of  
17          Council, amendments to Bill No. 180649.  
18          I move that this bill be amended. Let me  
19          introduce the amendments to Bill No.  
20          180649.

21                      (Duly seconded.)

22                      COUNCILMAN GREENLEE: It's been  
23          moved and seconded for the adoption of  
24          the amendments.

25                      All in favor?

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2                   (Aye.)

3           COUNCILMAN GREENLEE: Opposed?

4                   (No response.)

5           COUNCILMAN GREENLEE: Hearing

6 none, the amendments are approved.

7           Councilman Green.

8           COUNCILMAN GREEN: I move that

9 Bill No. 180649, as amended, be moved out

10 of this Committee with a favorable

11 recommendation.

12                   (Duly seconded.)

13           COUNCILMAN GREENLEE: It's been

14 moved and seconded that the bill be

15 reported out of this Committee with a

16 favorable recommendation, with no

17 suspension.

18           All in favor?

19                   (Aye.)

20           COUNCILMAN GREENLEE: Also

21 Councilman Jones should be recorded as

22 voting aye, as previously stated.

23           Any opposed?

24           COUNCILMAN O'NEILL: Opposed.

25           COUNCILMAN OH: Opposed.



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2                   COUNCILMAN GREENLEE: The  
3 record will reflect Councilman O'Neill  
4 and Councilman Oh vote in the negative.  
5 The majority voting favorably, Bill No.  
6 180649, as amended, is reported out of  
7 this Committee with a favorable  
8 recommendation.

9                   Thank you, everybody.

10                  (Applause.)

11                  COUNCILMAN GREENLEE: This  
12 concludes the hearing.

13                  (Committee on Law and  
14 Government concluded at 6:00 p.m.)

15                   - - -

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

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MICHELE L. MURPHY  
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