

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 401, Caucus Room
Philadelphia, Pennsylvania
Thursday, February 24, 2011
10:25 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILMAN DARRELL CLARKE
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN JAMES KENNEY

BILL 110050 - An Ordinance amending Chapter
9-1100 of The Philadelphia Code, entitled
"Fair Practices," by changing the title to
"Fair Practices Ordinance: Protections
Against Unlawful Discrimination"...

BILL 110060 - An Ordinance providing for the
submission to the qualified electors of the
City of Philadelphia of the proposal set forth
in a Resolution approved by Council proposing
an amendment of The Philadelphia Home Rule
Charter relating to the creation, appointment,
powers and duties of an independent Jobs
Commission...

RESOLUTION 110063 - Resolution proposing an
amendment to The Philadelphia Home Rule
Charter to provide for the creation,
appointment, powers and duties of a Jobs
Commission...

- - -

1
2 COUNCILMAN GREENLEE: Good
3 morning, everyone. I'm sorry for the
4 delay. We have a little logistics
5 problem here, because some people are
6 still going over to the other side, and
7 we just want to make sure we had
8 everybody in the right place.

9 This is the Committee on Law
10 and Government. I'm the Chair, Bill
11 Greenlee. Besides myself, we have a
12 quorum: Councilman Kenney, who is the
13 Vice-Chairman of the Committee,
14 Councilman Goode and Councilman DiCicco.

15 Ms. Marconi, if you could
16 please read the title of the first bill,
17 please.

18 THE CLERK: Bill 110050, an
19 ordinance amending Chapter 9-1100 of The
20 Philadelphia Code, entitled "Fair
21 Practices," by changing the title to
22 "Fair Practices Ordinance: Protections
23 Against Unlawful Discrimination," by
24 replacing "handicap" with disability as a
25 protected status, by adding domestic or

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 sexual violence victim status, familial
3 status, and genetic information to the
4 prohibited bases for discrimination; by
5 amending the definition of
6 discrimination, employer, life
7 partnership, public accommodation and
8 other terms, and by adding or deleting
9 other definitions; by narrowing certain
10 exemptions with respect to employment
11 preferences; by amending the prohibition
12 against housing discrimination to include
13 commercial property and real property; by
14 reordering and clarifying the complaint,
15 mediation and hearing procedures of the
16 Commission; by amending and clarifying
17 the remedies available to the Commission
18 upon a finding of a violation; and by
19 changing the order of sections and making
20 other changes, all under certain terms
21 and conditions.

22 COUNCILMAN GREENLEE: Thank
23 you.

24 Just for a few points here,
25 first of all, for those of you who don't

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 understand why we're in here, the State
3 Legislature has a hearing across the
4 hall. There was a mixup in schedule, and
5 in order to facilitate good state-city
6 relations -- I'm sure it won't make any
7 difference, but in any event, I ceded to
8 come over here. So if it's a little less
9 comfortable than usual, I apologize.

10 COUNCILMAN DiCICCO: I thought
11 President Obama was coming with all that
12 security over there.

13 COUNCILMAN GREENLEE: I know.

14 This bill that we're first
15 going to take up is a revision, basically
16 a rewriting of the Fair Practices law or
17 anti-discrimination law in the City of
18 Philadelphia. Where there had been some
19 amendments over the years, it hasn't
20 really been totally looked at and totally
21 amended in over 60 years, and it needs to
22 keep pace with the legal and policy
23 changes on the state and federal level.

24 The ordinance right now offers
25 less protection than other civil rights

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 legislation. This new bill would also
3 give added protection to the LGBT
4 community, which is obviously very
5 important. And I don't want to steal Rue
6 Landau's statement, but it allows City
7 residents to go to their City government
8 to deal with any problems of
9 discrimination. But there is nothing in
10 here that I think people should be
11 concerned about unless they plan to
12 discriminate.

13 So I think this is a good bill.
14 It's something that we have worked on a
15 long time with the Administration, and I
16 want to give everybody that's been
17 involved credit for it, and I think
18 hopefully the Committee will see fit and
19 the full Council to eventually see fit to
20 move this forward and make it the law of
21 the City of Philadelphia.

22 So with that said, any other
23 Committee member want to say something?

24 Councilman Kenney.

25 COUNCILMAN KENNEY: Thank you

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 very much, Mr. Chairman, and thank you
3 all for attending.

4 I would like to compliment the
5 Chairman of the Committee and the
6 Administration for their work in this
7 regard. I mean, since I've been here in
8 Council back in the '90s, we've moved
9 forward with domestic partner legislation
10 and groundbreaking legislation to protect
11 folks and their rights as workers and
12 employees of the City. I think it's been
13 the hallmark of this city and this
14 institution of Council to be in the
15 forefront of this. So I am proud that
16 our Chairman has worked as hard as he has
17 on this bill, and I think that it's --
18 obviously in 60 years it hasn't been
19 amended. It needs to be.

20 But I just want to thank the
21 Administration for their work on this and
22 thank the Chairman. He does stand for
23 and has been, in the course of his career
24 here as a Councilmember, in the forefront
25 of protecting people's rights.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 So thank you, Mr. Chairman.

3 COUNCILMAN GREENLEE: Thank you
4 very much, Councilman. I appreciate it.

5 Our first witness is Rue
6 Landau, Executive Director of Human
7 Relations Commission.

8 And as she's coming up, I just
9 want to put on -- and the other members
10 of the Commission. I'm sorry.

11 I just want to put on the
12 record just a thanks to Rue and to
13 everybody particularly involved with the
14 Human Relations Commission and also with
15 the Administration generally. This is,
16 as I'm sure she will say, this isn't
17 something that was done in two weeks.
18 This was a long -- I think we started
19 talking last spring or something, Rue,
20 but I think the key was, we wanted to get
21 it right. We wanted to cover all bases
22 that we could cover. We wanted to make
23 sure that this was an encompassing law,
24 but also a fair law to everybody. So,
25 again, my thanks to them.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 (Witnesses approached witness
3 table.)

4 COUNCILMAN GREENLEE:

5 Ms. Landau, please identify yourself for
6 the record and proceed.

7 And for the record, Councilman
8 Green, also a member of the Committee, is
9 here.

10 MS. LANDAU: Good morning.

11 Good morning, Councilman Greenlee and
12 members of the Law and Government
13 Committee. On behalf of the Philadelphia
14 Commission on Human Relations, we thank
15 you for this opportunity to testify in
16 support of Bill 110050. My name is Rue
17 Landau and I am the Executive Director of
18 the Commission.

19 The PCHR is a City agency that
20 administers and enforces the Philadelphia
21 Fair Practices Ordinance, and we'd be
22 directly responsible for implementing the
23 amendments being discussed today.

24 I'm joined today by Commission
25 Chairperson Kay Kyungsun Yu and Reynell

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 Staley, staff attorney to the Commission,
3 and other Commissioners and staff of the
4 Philadelphia Commission.

5 I'd like to begin by expressing
6 the Commission's appreciation to Mayor
7 Nutter for his consistent support
8 throughout this process of revising the
9 Fair Practices Ordinance and to
10 Councilman Greenlee for introducing this
11 bill, holding this important hearing and
12 working with us to push this bill
13 forward.

14 Bill 110050 is a result of an
15 extensive review of the Fair Practices
16 Ordinance that has been long overdue.
17 Sixty years ago, in 1951, the City of
18 Philadelphia took the historic step of
19 establishing the Commission as the first
20 local official human relations agency in
21 the country. In the decades that
22 followed, a number of significant new
23 provisions have been added to the
24 ordinance. For example, Council expanded
25 protections against discrimination to

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 cover sex in 1972, sexual orientation in
3 1982 and gender identity in 2002. But in
4 the 60 years of the Commission's
5 existence, Council has never passed
6 legislation comprehensively updating the
7 City's civil rights law. This bill
8 finally attempts to do that.

9 During our time on the
10 Commission, the Commissioners and I have
11 observed three major issues that
12 highlight the need for this bill.

13 First, relative to state and
14 federal agencies, the Commission has
15 comparatively lesser authority to carry
16 out its mandate and, therefore, has not
17 been able to fully address discrimination
18 occurring in the City.

19 Second, the ordinance does not
20 protect many individuals who currently
21 face discrimination in the City.

22 And, third, the language in the
23 ordinance is not always clear, and as a
24 result, many Philadelphians do not
25 understand who and what are protected

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 from discrimination and what the
3 Commission's role is in providing those
4 protections.

5 The bill clearly addresses
6 these three issues by, one, increasing
7 the Commission's authority to combat
8 wrongful discrimination; two, better
9 reflecting the current realities of
10 discrimination; and, three, making the
11 ordinance more understandable to the
12 Philadelphia community.

13 Every year, hundreds of
14 individuals file administrative
15 complaints of discrimination against
16 employers, housing providers and public
17 accommodations doing business in
18 Philadelphia. Many of those are filed
19 with the Philadelphia Commission, but a
20 large number are also filed with our
21 state and federal counterparts. For
22 those individuals and their attorneys who
23 file with the state or federal agency,
24 the main reason for their decision is a
25 perception, and unfortunately the

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 reality, that those agencies have
3 significantly greater enforcement
4 authority than the Philadelphia
5 Commission. Those agencies cover certain
6 individuals and entities that the
7 Commission does not cover under the
8 current Fair Practices Ordinance. They
9 offer remedies that the Commission cannot
10 offer. And they can impose penalties
11 with real teeth, which the Commission
12 cannot impose.

13 As a result of this disparity,
14 numerous cases of discrimination are
15 filed every year that affect Philadelphia
16 that the City does not know about and,
17 therefore, cannot appropriately address.
18 Bill 110050 responds directly to those
19 issues by significantly enhancing the
20 Commission's enforcement authority. And
21 because the bill does this by
22 incorporating provisions already included
23 in state and federal law, it actually
24 creates more consistency for the
25 individuals and entities and remedies

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 covered by local, state and federal law.

3 In employment, the bill fills
4 the enforcement gaps created by a
5 definition of "employer" that when
6 compared to state and federal law is
7 uniquely limited. Neither state nor
8 federal law excludes all fraternal,
9 sectarian, charitable and religious
10 groups wholesale from the definition of
11 "employer." Our current ordinance does
12 that.

13 Consistent with federal law,
14 the bill would eliminate this exclusion
15 and instead cover a broad range of
16 employers, but also include an exemption
17 for religious organizations. Like
18 federal law, this new exemption will
19 apply to employment decisions that
20 religious organizations make based on the
21 religion of employees performing work
22 connected to the organization's religious
23 activities.

24 The bill's changes in the area
25 of public accommodations are more

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 clarifying than they are substantive.

3 The definition in the current ordinance

4 is an extensive, but -- is an extensive

5 but non-exhaustive 19-line list of

6 institutions that service the

7 Philadelphia community. The proposed

8 definition better captures the original

9 legislative intent to broadly cover all

10 places and providers that make their

11 goods and services available to the

12 Philadelphia public.

13 The bill also modifies the

14 existing housing protections in two main

15 areas. First, to be more consistent with

16 state law, it covers commercial and other

17 real property in addition to residential

18 housing.

19 Second, it includes changes to

20 the Commission's procedures to ensure

21 that parties appearing before the

22 Commission in a complaint of housing

23 discrimination have the same rights under

24 the ordinance that are available under

25 federal law. And for the first time

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 since the Commission was created, the
3 bill significantly enhances the tools
4 that the Commission can use to remedy
5 discrimination.

6 Civil penalties for violations
7 of the ordinance are currently \$300, the
8 same amount they were in 1963. The
9 damages and remedies that victims of
10 discrimination can receive also have not
11 changed in roughly 50 years. Federal and
12 state anti-discrimination laws allow for
13 punitive damages, attorneys' fees,
14 hearing costs and other damages. None of
15 these remedies are available on our
16 current ordinance.

17 Having a civil rights agency
18 with more limited administrative remedies
19 than its state and federal counterparts
20 hurts all Philadelphians, but it
21 particularly harms the LGBT community,
22 because state and federal law do not
23 recognize sexual orientation, gender
24 identity as protected categories as
25 discrimination. As a result, members of

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 the LGBT community have no other place to
3 turn if they experience discrimination
4 based upon their sexual orientation or
5 gender identity. While other
6 Philadelphians can go to the state or
7 federal government for relief, members of
8 the LGBT community must either accept the
9 limited remedies in the current ordinance
10 or receive nothing at all.

11 These changes benefit not only
12 the people who work, live and visit
13 Philadelphia, they make business sense
14 for the City as a whole. Ensuring
15 greater consistency between local, state
16 and federal law makes it easier for local
17 businesses to recognize and respond to
18 the Commission's authority. Moreover,
19 providing the Commission with enforcement
20 authority that is more consistent with
21 federal law could result in greater
22 federal recognition and potentially
23 increase our federal funding for our
24 efforts in combatting discrimination.

25 The second major goal that the

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 bill attempts to achieve is full
3 protection of the members of our
4 community who face discrimination. To
5 that end, the bill includes a number of
6 additional protected categories.

7 Over the past several decades,
8 the area where the ordinance has been
9 updated most significantly is in the
10 protected categories. In 1963 when the
11 Fair Practices Ordinance was included in
12 The Philadelphia Code, the law covered
13 only race, color, religion, national
14 origin and ancestry. And although the
15 ordinance covers a number of additional
16 categories that weren't contemplated 50
17 years ago, such as sex, age and
18 disability, it still does not fully
19 reflect the current realities of
20 discrimination. In certain areas,
21 federal law better captures these
22 realities, and in those areas, the bill
23 proposes extending the same protections
24 that are available under federal law.

25 For example, our ordinance

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 currently covers handicap, but does not
3 explicitly cover disability
4 discrimination to the same broad context
5 as federal law. In addition, although
6 Congress passed a law in 2008 prohibiting
7 discrimination based on genetic
8 information, our ordinance currently does
9 not offer the same protection.

10 The bill would address both of
11 these issues by incorporating the
12 Americans with Disabilities Act, as
13 amended, including the federal definition
14 of "disability" in place of "handicap"
15 and establishing protections against
16 discrimination to genetic information on
17 the same basis as the federal Genetic
18 Information Non-Discrimination Act, GINA.

19 The bill also protects against
20 two forms of discrimination that are not
21 currently recognized by federal law but
22 are an unfortunate reality in
23 Philadelphia. Those two areas are
24 discrimination against individuals in
25 non-nuclear families and discrimination

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 against victims of domestic and sexual
3 violence. Because of fears, myths and
4 stereotypes, both categories of people
5 often are not afforded equal opportunity
6 in employment, in public accommodations
7 and in housing and other real property.

8 This bill provides much-needed
9 protections against discrimination by
10 including familial status and domestic
11 and sexual violence victim status as
12 protected categories. By enacting these
13 changes, Council will send a strong
14 message that these individuals are valued
15 members of our community who face
16 discrimination that will not be tolerated
17 or condoned.

18 The changes of the Commission's
19 enforcement authority and the protections
20 afforded by the ordinance would have
21 limited impact if the people affected by
22 the ordinance do not understand these
23 protections or how they can benefit from
24 them. As a result, updating the language
25 of the ordinance to make it more

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 understandable to the average

3 Philadelphian is a critical part of the

4 amendment process.

5 In addition to wording changes,
6 the bill reflects significant revisions
7 that make it clearer to anyone picking up
8 the ordinance what practices are
9 prohibited by law, what procedures the
10 Commission will follow in administering
11 the law and what legal consequences will
12 follow from violating the law.

13 In addition to the changes
14 introduced three weeks ago, we would like
15 to propose a few limited amendments to
16 Bill 110050. First, there are some
17 technical amendments that we believe
18 would make the ordinance even more clear
19 and consistent. These include
20 standardizing the aiding and abetting
21 language across the employment, public
22 accommodations and housing and other real
23 property sections; two, reinserting the
24 definition of "owner," which was
25 inadvertently removed.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 The second proposed amendment
3 is the inclusion of ethnicity as a
4 protected category. This amendment does
5 not substantively change the protections
6 offered under the ordinance since ethnic
7 discrimination claims can be covered by
8 race, national origin and/or ancestry.
9 However, because ethnicity better
10 captures how people identify such
11 discrimination in 2011, its inclusion is
12 important to the broader goal of making
13 the ordinance more accessible.

14 Also to make it explicitly
15 clear that we intend to cover
16 discrimination committed in the City
17 limits by agencies like the Philadelphia
18 Housing Authority and SEPTA, we propose
19 including language clarifying the
20 Commission's jurisdiction over such
21 public agencies, authorities and
22 instrumentalities of the Commonwealth.

23 Finally, to make the ordinance
24 more clear and to -- we believe that
25 removing the verification criteria from

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 the Life Partnership section and putting

3 them instead in the Commission's

4 regulations makes clear, common sense,

5 both for the law of the City of

6 Philadelphia and also for our Commission.

7 The Commission will promulgate

8 regulations that will include the

9 verification criteria in their

10 regulations instead.

11 Enacting Bill 110050 will send

12 a strong message that Council is

13 committed to protecting Philadelphians

14 from discrimination. The amendments to

15 the Commission's enforcement authority,

16 the protected categories and the language

17 of the ordinance are critical and, in

18 many cases, long overdue. They will make

19 Philadelphia a better place to live, work

20 and visit while also bringing additional

21 revenue to the City.

22 We look forward to working with

23 you on this legislation as it advances in

24 Council, and the entire Commission looks

25 forward to administering and enforcing

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 the new Fair Practices Ordinance when it
3 becomes law.

4 Thank you again for this
5 opportunity to testify, and we would be
6 happy to answer any questions.

7 COUNCILMAN GREENLEE: Thank
8 you, Ms. Landau.

9 Are either of you testifying or
10 are you just here for backup?

11 MS. YU: I just wanted to --

12 COUNCILMAN GREENLEE: Just
13 identify yourself for the record.

14 MS. YU: My name is Kay
15 Kyungsun Yu and I chair the Commission.

16 And Rue is exactly right on the
17 last point of an amendment, that we would
18 like to ultimately have all of the
19 procedural verification requirements in
20 our regulations as opposed to in the
21 statute, but for the time being, because
22 we had some amendments to the
23 verification process, we are going to
24 include them in the current bill of
25 amendments but then reserve the authority

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 to replace them altogether with
3 regulations in the future.

4 COUNCILMAN GREENLEE: Okay.

5 Just for the record, for the members of
6 the Committee and anybody else here
7 that's reading the bill, I know sometimes
8 it's a little hard to follow. It's a
9 large bill. It was my preference to take
10 out basically all of the ordinance and
11 put in, I guess, what you call a clean,
12 new one, but the Law Department felt it
13 was better to just amend everything that
14 was in there. So you have a lot of
15 brackets and underlining, so maybe it's a
16 little harder to follow, but I think Rue
17 kind of gave a good overview of
18 everything that's going on here.

19 So any questions? Councilman
20 Kenney I know had a question.

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

23 I wonder if you could for the
24 record kind of explain a little clearer
25 Page 10, Section 9-1104, Paragraph 1

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 relative to religious organizations. To
3 me it's not clear or it leads me to
4 believe that in some instances they are
5 permitted to discriminate.

6 Could you explain how you think
7 that would in practice or give me an
8 example of what would happen or what
9 circumstances would apply to the
10 non-discrimination issue.

11 MS. YU: Yes. We have changed
12 the structure of the definition of
13 "employer," but there are certainly
14 constitutional limitations as to how far
15 we can reach in our regulation of such
16 religious activities. So rather --

17 COUNCILMAN KENNEY: Could you
18 do me a favor, could you define, I guess,
19 the definition of "religious activities."
20 I want to know what your thoughts are on
21 what it is. The conduct of a service,
22 those things?

23 MS. YU: It does include that.
24 They include defined religious entities
25 to include certainly churches, services

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 in that manner, but also educational
3 institutions, so religious educational
4 institutions as well.

5 COUNCILMAN KENNEY: How about
6 religious educational institutions that
7 receive public funding or forms of public
8 funding?

9 MS. YU: In the way that we
10 restructured the new definition, that's
11 not a factor. It is --

12 COUNCILMAN KENNEY: So if
13 there's Title I money or busing money or
14 any other, crossing guard, or any other
15 government assistance to the institution,
16 the educational religious institution,
17 that would not be covered?

18 MS. YU: The way --

19 COUNCILMAN KENNEY: Could a gay
20 man or woman teach in a religious school
21 without being discriminated against?

22 MS. YU: Okay. The answer to
23 that question really is going to be
24 determined by court, but the outline of
25 how that decision would be made is to

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 look at whether there is anything
3 ministerial to the duties of the
4 individual whose job it is. So if you
5 have somebody who is a crossing guard,
6 for example, I would say that they're not
7 involved in religious activities.

8 COUNCILMAN KENNEY: If I
9 have -- and I don't want to belabor this
10 with anecdotal, but I just want to
11 understand, because in this area, you're
12 right, it's complicated, because you
13 don't want to try too far to control it,
14 but you also don't want to let it go too
15 far the other way.

16 MS. YU: Exactly.

17 COUNCILMAN KENNEY: A gay man,
18 a social studies teacher in a religious
19 school that was not known of his status
20 prior to his hire and is then fired,
21 would that individual have an action
22 under this code?

23 MS. YU: That type of claim
24 would be something that we would
25 absolutely accept. So we would take --

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 COUNCILMAN KENNEY: So you
3 don't determine social study teacher as
4 performing a religious function or a
5 ministerial function?

6 MS. YU: Well, I think that we
7 would accept the claim, assuming, again,
8 that the claim is that he was fired
9 because he was gay.

10 COUNCILMAN KENNEY: Right.

11 MS. YU: With that in mind, we
12 would accept the case, but then we would
13 have to make the determination as to
14 whether or not teaching in that
15 particular institution constituted
16 religious activity. And so you've gotten
17 it right there, it is a question.

18 COUNCILMAN KENNEY: So what
19 you're saying is that is somewhat
20 intentionally vague because at some point
21 in time a court under whatever
22 circumstances is going to make a decision
23 about it and to be too confining may
24 cause the law itself problem?

25 MS. YU: I think that is

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 absolutely correct. We, as the
3 Commission, would make the decision in
4 the first instance, but that would be
5 subject to appeal.

6 COUNCILMAN KENNEY: On another
7 issue, what is the status regarding this
8 bill of an individual who resides in the
9 City but whose citizenship status is in
10 question, either the individual does not
11 have a green card, may be in some
12 violation or outside the regulations of
13 current immigration law? Are they
14 permitted to be discriminated against?

15 MS. YU: Our ordinance covers
16 everyone who lives and works in
17 Philadelphia regardless of --

18 COUNCILMAN KENNEY: Of their
19 citizenship.

20 MS. YU: Citizenship, that is
21 correct.

22 COUNCILMAN KENNEY: I want the
23 record to be clear that that's the case,
24 because a lot of folks for lots of
25 reasons slip through the cracks and are

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 taken advantage of and are not ready or
3 readily come forward to complain about
4 it, and you may have that situation with
5 the passage of this bill where folks
6 won't come forward, but if they did
7 decide to come forward, regardless of
8 their status, the claim would be at least
9 accepted to be examined?

10 MS. LANDAU: Absolutely. And
11 we also enforce the City's language
12 access regulations as well.

13 COUNCILMAN KENNEY: Thank you.

14 COUNCILMAN GREENLEE: Thank
15 you, Councilman.

16 Councilman DiCicco.

17 COUNCILMAN DiCICCO: Thank you.

18 Good morning. This may be
19 somewhat of a stretch. Would anything in
20 this bill be applicable to an agency, a
21 non-profit agency, as an example, who has
22 either a direct or indirect benefit from
23 the City of Philadelphia and would
24 discriminate against an individual
25 working within that non-profit

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 association or would discriminate against
3 individuals who may want to be members of
4 that association? If we were renting a
5 building to a non-profit organization and
6 they discriminated against -- I see you
7 shaking your head. Is there anything in
8 here that would help us in that regard?

9 COUNCILMAN GREENLEE: You
10 haven't left a lot to the imagination.

11 COUNCILMAN DiCICCO: Is there
12 anything in here that would be helpful to
13 that cause?

14 MS. STALEY: There are two --

15 COUNCILMAN GREENLEE: Could you
16 identify yourself.

17 MS. STALEY: Reynell Staley,
18 staff attorney for the Commission.

19 COUNCILMAN DiCICCO: I never
20 got to the Boy Scouts. I was only a Cub
21 Scout.

22 MS. STALEY: So like the
23 religious exemption that Kay was talking
24 about earlier, there are certain
25 constitutional limits to our coverage of

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 public accommodations. So in the
3 employment context, we would fully cover
4 a non-profit that was discriminating
5 against an employee based on all the same
6 basis as the -- as any other type of
7 organization. With public
8 accommodations, it depends. We would,
9 again, accept cases that we think are
10 alleging discrimination, but there could
11 also be issues relating to how far we can
12 go based on constitutional limitations
13 and First Amendment issues.

14 COUNCILMAN DiCICCO: Thank you.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 Any other questions?

18 Councilman Green.

19 COUNCILMAN GREEN: Just to
20 clarify or close the loop on Councilman
21 DiCicco's question, if the person is not
22 an employee, if they're a volunteer or
23 want to be a volunteer organization, they
24 would not be covered by this statute?

25 MS. STALEY: So under this

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 ordinance as it is under the current law,
3 it's unlawful for any organization,
4 whether it's in employment, housing,
5 public accommodations, to discriminate
6 based on any of the bases that we cover.
7 The issue comes in in whether how far we
8 can go in enforcing that, and that's
9 where the constitutional limits come into
10 place.

11 So a volunteer or -- volunteers
12 in some cases may be considered
13 employees, but talking about someone who
14 just -- who is a patron of this
15 non-profit, in which case it would fall
16 under the Public Accommodations section,
17 we would accept the case, we would fully
18 investigate it, but how far we can go in
19 actually ending that discrimination is an
20 issue that may have larger constitutional
21 implications beyond just our specific
22 ordinance.

23 COUNCILMAN GREENLEE: Thank
24 you.

25 Councilman Kenney.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 COUNCILMAN KENNEY: Just to
3 follow up on the issue of immigration
4 status and language, licensed businesses
5 with the City, businesses that are
6 licensed with the City, under this
7 proposed ordinance would they be
8 permitted to refuse service to
9 individuals relative to the language
10 barriers? I mean, if we license a
11 business, I assume we sanction the
12 operation of that business, we inspect it
13 for health issues, we inspect it for
14 license and inspection issues, we provide
15 additional ordinances when requests are
16 made for outdoor seating or for any of
17 those things.

18 Would a business in that
19 situation be permitted to refuse service
20 under public accommodation to anyone
21 relative to a language issue or language
22 barrier?

23 MS. YU: Again, our ordinance
24 prohibits discrimination on the basis of
25 national origin, and that is really where

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 the language issues can come in. And so
3 we prohibit discrimination on that basis
4 as well. And so if someone is refused to
5 be provided service based on merely
6 language, that that could constitute a
7 claim as discrimination under national
8 origin.

9 COUNCILMAN KENNEY: There was a
10 recent -- not really recent. A few years
11 ago there was an issue that the Human
12 Relations Commission took up and found
13 that there was not discrimination, which
14 I thought from the very beginning of the
15 case that they were going to find that
16 way. Would this bill change that in any
17 way? And I'm asking you to be the judge
18 in a case that's not before you, but does
19 this bill strengthen or further clarify
20 the inability of a businessperson to
21 refuse someone service or accommodation
22 or a seat, or whatever, based on the fact
23 that they have a language issue?

24 MS. YU: There are no
25 amendments to the ordinance in that

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 regard, but I would like to point out
3 that the Commission looked very different
4 at the time of the prior case and that
5 none of the Commissioners who are
6 currently in service heard that
7 particular case.

8 COUNCILMAN KENNEY: Okay.

9 MS. YU: But there is nothing
10 in the ordinance that has been amended
11 particularly that would affect that area.

12 COUNCILMAN KENNEY: Okay.

13 Thank you.

14 COUNCILMAN GREENLEE: Any other
15 questions?

16 Councilman Goode.

17 COUNCILMAN GOODE: Thank you,
18 Mr. Chairman.

19 Explain the amendments relating
20 to lending institutions, what they mean
21 and whether any case has ever been
22 brought with regard to lending
23 institutions.

24 MS. LANDAU: There are not --
25 in this bill there are no amendments to

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 our protections for people against
3 lending institutions. The language that
4 I think that you're looking at has been
5 in the ordinance for many years. We have
6 had cases in the past. There are no
7 current pending cases against lending
8 institutions.

9 COUNCILMAN GOODE: Does it
10 change the word "individual"?

11 COUNCILMAN GREENLEE: What page
12 are you on, Councilman?

13 COUNCILMAN GOODE: Page 13.

14 MS. YU: I'll address that
15 generally. We, as part of the amendments
16 that we went through, again looked at
17 everything very particularly, and we
18 noticed that there were terms that were
19 used sort of imprecisely, and so we took
20 a look at how the word "person" was used
21 and how the word "individual" was used.
22 "Individual" meaning a human person, but
23 "person" can be an individual, a
24 corporate entity, a non-profit entity.
25 So that was what we went through to make

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 sure that we used the term "person" as
3 opposed to "individual" consistently
4 throughout.

5 MS. LANDAU: So there's
6 clarifying definitions in the Definitions
7 section.

8 COUNCILMAN GOODE: So I
9 understand you're trying to broaden the
10 definition of "person" to include other
11 entities and it does not necessarily
12 relate to fair lending, but that's why I
13 asked about the case you had with regard
14 to fair lending.

15 Do you think that the change in
16 definition should be somewhat compatible
17 with fair lending laws and is there any
18 definition in terms of fair lending laws
19 that might apply better?

20 MS. LANDAU: The changes that
21 we made to the Housing section in
22 general -- and there's not many changes
23 to the lending area -- make our ordinance
24 more in line with the federal Fair
25 Housing Act. We did this for many

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 reasons. One, we want our ordinance to
3 be in line with federal law, and, two,
4 it's setting us up for a potential
5 contract with HUD that we hope to get
6 that will reimburse us for the housing
7 cases that we take. It will make our --
8 we're making our law substantially
9 equivalent to HUD's law.

10 So, in general, most of the
11 provisions were left in here because they
12 are in line with the federal Fair Housing
13 Act, and we added some important --

14 COUNCILMAN GOODE: I'm
15 referring more to lending institutions
16 than fair housing, more fair lending and
17 whether there are things in terms of
18 federal law in terms of how you prove
19 discrimination that might be able to
20 update this.

21 MS. LANDAU: We are in line --
22 the federal Fair Housing Act does cover
23 lending institutions, and we are in line
24 with the federal Fair Housing Act now.
25 And we believe that the law as written

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 now gives us all of the teeth that we
3 need in order to enforce fair lending.

4 COUNCILMAN GOODE: Okay.

5 Lastly, you say you haven't had any
6 recent cases, but what type of cases have
7 you had in the past and what were their
8 conclusions?

9 MS. LANDAU: We did a lot of
10 mortgage lending cases in the past.
11 Again, one of the reasons why we're
12 strengthening this part of our law, to be
13 honest, we don't get that many fair
14 housing cases. Most people who have
15 claims, whether it's lending, mortgage
16 through any sort of lending institution,
17 mortgage, leases, they've been going to
18 HUD or the Pennsylvania Commission,
19 because their remedies, what they can get
20 for finding someone in violation, are
21 much stronger. We are now mostly in line
22 with where we need to be. Unfortunately,
23 there is one provision that we need to
24 add to our law that will possibly be up
25 to the state to pass, because the federal

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 Fair Housing Act requires that you can
3 assess penalties up to \$50,000, which we
4 can't do here in Philadelphia. We're
5 working on that piece, but our goal with
6 this ordinance and this bill was to make
7 sure that we are as online as we possibly
8 can be. We want to take more of those
9 cases. We want to make sure that we're
10 ensuring that Philadelphians are as
11 protected as they can be and certainly
12 have fair lending going on in the City,
13 but we also need the teeth to help us get
14 there.

15 COUNCILMAN GOODE: And you
16 believe the Fair Housing Act covers small
17 business lending or business lending?

18 MS. LANDAU: The federal Fair
19 Housing Act does cover lending, yes,
20 lending institutions.

21 COUNCILMAN GOODE: Small
22 business lending as much as it needs to?

23 MS. LANDAU: I believe so.

24 COUNCILMAN GOODE: Okay. Thank
25 you.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 MS. LANDAU: Yeah, I believe
3 so.

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

6 MS. STALEY: And in addition to
7 that, some of the changes that we made to
8 this bill would ensure that we cover
9 small businesses. So by protecting real
10 property and commercial property and
11 other real property, it ensures that it's
12 not just residential lenders but also
13 small business lenders who would be
14 protected by the ordinance.

15 COUNCILMAN GOODE: Thank you.

16 COUNCILMAN GREENLEE: Thank
17 you, Councilman.

18 Any other questions for this
19 panel?

20 (No response.)

21 COUNCILMAN GREENLEE: Seeing
22 none, again, thank you all for your work
23 you've done on this.

24 MS. LANDAU: Thank you very
25 much.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 COUNCILMAN GREENLEE: I'm going
3 to jump a little bit out of the list,
4 because the gentleman who needs to go to
5 a class, I understand, has asked to go
6 next. Ted Martin from Equality PA, and
7 after that, it will be Carol Tracy,
8 Women's Law Project.

9 As Mr. Martin is coming up, I
10 just want to make an announcement.
11 Anybody here that's for the other bill
12 and resolution we're dealing with dealing
13 with the Jobs Commission, as soon as
14 we're finished here with this bill, we'll
15 take it right up.

16 (Witness approached witness
17 table.)

18 Mr. Martin, could you identify
19 yourself for the record and proceed.

20 MR. MARTIN: Sure. My name is
21 Ted Martin, and I would say good morning
22 and thank you, Councilman Greenlee and
23 members of the Law and Government
24 Committee, for the opportunity to present
25 very brief testimony in support of City

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 Council Bill 110050. I am the Executive

3 Director to Equality Pennsylvania.

4 Equality Pennsylvania is the statewide

5 lesbian, gay, bisexual and transgender

6 advocate organization. I'm here really

7 today from my office in Harrisburg. We

8 also have an office here in Philadelphia,

9 but I'm here today really to thank you,

10 to offer thanks to the Philadelphia

11 Commission on Human Relations, to Mayor

12 Nutter, to Councilman Greenlee and

13 Councilman Green for introducing this

14 important legislation.

15 In my role with Equality

16 Pennsylvania, I spend much time in

17 Harrisburg monitoring legislation. I

18 spend much time in Harrisburg talking to

19 individual legislators, and primarily

20 what I say is a lot of negative things:

21 Please don't do this; no, you can't do

22 this; I would ask that you not consider

23 this. And so to be honest, it is very

24 refreshing and good to be here today to

25 talk about the leadership role and to

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 thank Philadelphia for playing that
3 leadership role for the LGBT community
4 here and really in the Commonwealth of
5 Pennsylvania.

6 You know, Philadelphia added
7 sexual orientation to the Fair Practices
8 Ordinance in 1982, gender identity in
9 2002, a life partnership ordinance was
10 passed in 1999. These are all terrific
11 and wonderful things and show the
12 leadership of the Commonwealth. The bill
13 today, 110050, really enhances the
14 protections to the LGBT community in a
15 number of ways. It increases remedies
16 available for complainants. It includes
17 a new protected category for familial
18 status. And it's really streamlined and
19 easier to understand, and that's
20 important for everyone in the LGBT
21 community.

22 So for that, I come here to say
23 thank you for that. I say we support you
24 in your efforts, and we really want to
25 commend you for moving forward. It shows

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 once again that Philadelphia is a leader
3 in protecting the civil rights of LGBT
4 citizens, and that's certainly important
5 here as well as across the Commonwealth.
6 So thank you very much.

7 COUNCILMAN GREENLEE: Thank
8 you. Thank you for coming down and
9 testifying.

10 Any questions or comments from
11 the Committee?

12 (No response.)

13 COUNCILMAN GREENLEE: Seeing
14 none, thank you.

15 MR. MARTIN: Thank you very
16 much.

17 COUNCILMAN GREENLEE: Our next
18 witnesses, I'll call them up as a group
19 just to keep things moving. Carol Tracy,
20 Women's Law Protect, is Rachel Garland
21 here from CLS, and Molly Callahan from
22 Women Against abuse.

23 If I can just ask -- I know
24 some of you have written testimony. As
25 you know -- I think you've all testified

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 here before -- that can be made part of
3 the record. You don't have to
4 necessarily read the whole testimony, so
5 we can kind of keep moving here.

6 No offense, Carol, but yours is
7 kind of long.

8 MS. TRACY: Well, I realize
9 mine is long and I did ask in advance if
10 I should read it all or shorten it, and I
11 was advised to read it all.

12 COUNCILMAN GREENLEE: Okay.
13 That wasn't by us.

14 MS. TRACY: Yes.

15 Good morning. My name is Carol
16 Tracy and I'm the Executive Director of
17 the Women's Law Project. Thank you for
18 the opportunity to present testimony
19 today in support of City Council Bill
20 110050.

21 The Women's Law Project
22 applauds the Commissioners of the
23 Philadelphia Commission on Human
24 Relations and Executive Director Rue
25 Landau for undertaking a thorough update

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 of Philadelphia's Fair Practices
3 Ordinance, Councilmembers Greenlee and
4 Green for introducing this legislation,
5 which will implement the changes, and
6 Mayor Nutter for his support.

7 As you know, many of you know,
8 the Women's Law Project is a non-profit
9 legal advocacy organization dedicated to
10 creating a more just and equitable
11 society.

12 By adopting this bill and
13 expanding the categories of people
14 protected from discrimination to include
15 familial status, genetic information and
16 domestic and sexual violence status,
17 Philadelphia City Council will
18 significantly advance the goal of
19 eliminating discrimination against women.
20 Women are especially at risk for
21 discrimination on the basis of
22 caregiving, genetic conditions and
23 domestic and sexual violence, and have
24 long been in need of legal recourse. In
25 addition, by providing domestic workers

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 with protection against discrimination,
3 the Fair Practices Ordinance will provide
4 vital protection to a portion of the
5 workforce that is primarily female,
6 particularly vulnerable and far too long
7 excluded from legal protection.

8 The Women's Law Project knows
9 firsthand how important the addition of
10 familial status protection is to working
11 women. We hear from women who
12 disproportionately shoulder the burden of
13 balancing work with the demands of
14 parenting and caring for aging and ill
15 family members. These demands impact
16 women's ability to maintain employment,
17 placing them at risk of losing their jobs
18 and benefits, losing opportunities for
19 advancement, and experiencing demotions
20 because they are primary caregivers. The
21 demands of balancing family
22 responsibilities with caregiving may also
23 impact women's health by increasing
24 physical and emotional stress.

25 The caregiving demands on

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 working adults are considerable.

3 According to recent census figures, in 66

4 percent of households with children both

5 parents work. The children of aging

6 parents are now taking care of both their

7 children and their own parents. Over 40

8 percent of caregivers nationwide have

9 children under the age of 18. One in

10 four families takes care of elderly

11 relatives. Pennsylvania has the third

12 largest aging population in the country.

13 Each year 1.39 million Pennsylvanians

14 provide essential family caregiving to

15 aging family members, many of whom have

16 complex medical needs and who rely

17 exclusively on family for assistance. In

18 Philadelphia alone, an estimated 51,000

19 older persons are caregivers for spouses,

20 grandchildren or other dependents.

21 While men are also at risk of

22 family caregiving discrimination, women

23 are at greater risk because more women

24 are working while women continue to be

25 primarily family caregivers. Fifty-nine

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 point two percent of women 16 years and
3 over were working in 2009. Women make up
4 46.8 percent of the total U.S. labor
5 force and are projected to account for
6 more in 2018. Sixty-one percent of
7 American women who gave birth in 2008
8 were in the labor force. Nationally 75
9 percent of all family caregivers are
10 women. Mothers perform one-fourth to
11 two-thirds more childcare than their
12 partners. A recent study found that
13 similarly qualified working mothers are
14 79 percent less likely to be hired, 100
15 percent less likely to be promoted,
16 offered an average of \$11,000 less in
17 salary for the same job and held to
18 higher performance standards.

19 There are no federal or state
20 laws that specifically prohibit
21 discrimination based on family caregiving
22 responsibilities. While the EEOC has
23 recognized that unfair treatment based on
24 familial status and responsibilities
25 might constitute discrimination based on

2/24/11 - LAW & GOV'T - BILL 110050, etc.
sex, disability or other characteristics
protected by federal employment
discrimination laws, not all familial
status discrimination fits neatly into
these categories. In the absence of
showing discriminatory treatment based on
one of these specific characteristics,
individuals subjected to familial status
discrimination are left without recourse.
The EEOC makes it clear that Title VII
does not prohibit discrimination based
solely on parental or other caregiving
status. An employer does not generally
violate Title VII if it treats working
mothers and working fathers in a similar
unfavorable or favorable manner as
compared to childless workers. Thus, an
employer might not be liable under
anti-discrimination laws like Title VII
and related laws for refusing for hire,
failing to promote or terminating
employees with actual or perceived
caregiving responsibilities as long as
the employer treats men and women

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 equally, and in these cases equally

3 badly.

4 Explicit protection in the law
5 for caregivers would also provide direct
6 protection for employees whose caregiving
7 responsibilities do not fit neatly into
8 sex-based stereotypes about motherly or
9 fatherly roles, such as employees who
10 have caregiving responsibilities as
11 grandparents or as members of other
12 non-traditional nuclear families.

13 Unfortunately, many individuals
14 have been placed in just this
15 predicament. An increasing number of
16 employees are seeking legal recourse for
17 familial status discrimination, but gaps
18 in the law may leave these individuals
19 without protection. For example, a
20 single mother in Massachusetts was fired
21 when she was unable to meet her
22 employer's demands that she work
23 additional hours beyond those required in
24 her job description. She filed a lawsuit
25 challenging her termination on the ground

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 that her employer violated the state's
3 public policy favoring parental care and
4 protection of children as an extension of
5 the policy's underlying eligibility for
6 unemployment compensation. While
7 sympathetic to the plaintiff, the court
8 was forced to conclude that the case did
9 not appear to involve unlawful
10 discrimination and held for the
11 defendant.

12 Men are also impacted by family
13 responsibilities discrimination. In one
14 lawsuit, a firefighter was passed over
15 for a promotion because as a single
16 father, he traded shifts, a common
17 practice in the department, and took sick
18 leave to care for his children. His
19 chief repeatedly questioned him about his
20 ability to care for his children while
21 working as a firefighter. He filed suit
22 alleging marital status discrimination.
23 While the court acknowledged the
24 childcare responsibilities were the
25 reason for not promoting the firefighter,

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 it rejected his claims since the law did
3 not prohibit parental status
4 discrimination.

5 The addition of familial status
6 protections in the amended Fair Practice
7 Ordinance will not only allow women and
8 men to provide care for family members
9 without fear of losing employment, but
10 will also clarify the rights and
11 responsibilities of employers. It will
12 send the message that employees with
13 caregiving responsibilities cannot be
14 treated differently from employees
15 without caregiving responsibilities
16 regardless of gender.

17 In Chicago, where parental
18 status protection has been added to the
19 city's human rights ordinance, a single
20 mother of two who met performance
21 expectations, complied with the company's
22 attendance policies and met required
23 sales quotas was paid less than her
24 colleagues who did not have children.
25 After she was terminated on the pretext

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 of poor performance, she filed a
3 complaint with the Chicago Commission on
4 Human Relations, which found that the
5 employer discriminated on the basis of
6 parental status and found in her favor.

7 Let me emphasize that the goal
8 of familial status protection is not to
9 burden employers or favor people with
10 caregiving responsibilities, but simply
11 to treat family caregiving fairly. It
12 will not give workers any additional time
13 off or other benefits to which they are
14 already entitled under the law or their
15 employer's policy, nor will it prevent
16 employers from disciplining or
17 terminating employees for poor
18 performance or misconduct. It will,
19 however, appropriately protect employees
20 from discrimination based on caregiving.

21 We also commend the addition of
22 protection of domestic workers to
23 Philadelphia's Fair Practice Ordinance.
24 At least 1.8 million people work as
25 domestic workers in American homes, many

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 caring for the children or parents of
3 employed mothers and fathers. Working in
4 their employer's homes behind closed
5 doors, domestic workers are vulnerable to
6 abuse and sexual harassment. The vast
7 majority, 95 percent, of domestic workers
8 are women and the vast majority are
9 foreign born and/or women of color. They
10 are an essential part of our economy, but
11 often are not protected by employment
12 legislation or anti-discrimination laws.
13 Title VII of the Civil Rights Act of 1964
14 applies only to employers with 15 or more
15 employees. The Pennsylvania Human
16 Relations Act applies to employers with
17 four or more employees. Individuals who
18 employ domestic workers typically do not
19 meet this threshold. It is, therefore,
20 appropriate that Philadelphia's Fair
21 Practices Ordinance, which applies to
22 employers who employ one or more
23 individuals, provide protection from
24 employment discrimination to this segment
25 of our workforce. Until now, the Fair

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 Practices Ordinance specifically excluded
3 domestic workers entirely from its
4 protection.

5 Now, in limiting the exemption
6 in the amendment offered today to
7 personal preferences in hiring and
8 firing, the Commission has been careful
9 to recognize personal preferences of
10 employers who hire someone to work in
11 their home and care for their families.
12 However, by otherwise removing the
13 exemption, the Commission has widely
14 extended necessary protection from
15 discrimination to domestic workers while
16 they are employed. We also support the
17 addition of domestic and sexual violence
18 status, but others will testify to that
19 today and I will limit my testimony
20 there.

21 We wish to --

22 COUNCILMAN GREENLEE: Thank
23 you.

24 MS. TRACY: -- emphasize the
25 importance of the addition of genetic

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 information protection as a protected
3 classification under the Fair Practices
4 Ordinance. Genetic employment
5 discrimination occurs when an employee is
6 dismissed, harassed or treated
7 differently than co-workers as a result
8 of having a gene mutation linked with a
9 specific disease. For women,
10 discrimination may be based on the gene
11 mutations for breast cancer. Although
12 federal law prohibits discrimination
13 based on genetic information in the
14 context of health insurance and
15 employment, this law does not cover
16 smaller employers who will fall under the
17 jurisdiction of the Fair Practices
18 Ordinance. So we strongly support this
19 addition.

20 Finally, we urge Council to
21 adopt this bill because it streamlines
22 complaints and hearing procedures and,
23 most importantly, improves the legal
24 remedies available by providing punitive
25 damages for the first time. Increasing

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 penalties sends an important message that
3 discrimination will not be tolerated in
4 our city and is the logical next step in
5 deterring discrimination and extending
6 rights to every Philadelphian.

7 In addition, we encourage the
8 Commission to adopt regulations that will
9 specifically address service and
10 resolution of complaints that identify
11 the offending party as the chief
12 executive officer or executive director
13 of the organization against whom a
14 complaint is filed. As we have seen in
15 connection with the Philadelphia Housing
16 Authority, a CEO charged with
17 discrimination cannot be the only person
18 informed of a complaint or the person
19 responsible for responding to it.

20 Regulations should require notice to and
21 response from the entity's board of
22 directors or other authority.

23 In closing, we stand firmly in
24 support of the comprehensive amendments
25 and urge you to enact this bill, and

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 thank you for providing me with the
3 opportunity to present this testimony
4 today.

5 COUNCILMAN GREENLEE: Thank
6 you.

7 Ms. Garland.

8 MS. GARLAND: Good morning,
9 Councilman Greenlee and members of the
10 Law and Government Committee. My name is
11 Rachel Garland and I'm a staff attorney
12 at Community Legal Services in the
13 Housing Unit. I'll be presenting
14 testimony today on behalf of my
15 colleague, Jenna Ginsberg, from the
16 Employment Unit, as well as testimony
17 from our experience in the Housing Unit
18 as to how the domestic and sexual
19 violence protection impacts the clients
20 that we see.

21 On behalf of Community Legal
22 Services, I would like to thank the
23 Commission on Human Relations, Mayor
24 Nutter and Councilman Greenlee and
25 Councilman Green for introducing this

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 important legislation that will
3 strengthen the Fair Practices Ordinance
4 and protect more Philadelphians from
5 unlawful discrimination.

6 The Employment Unit at
7 Community Legal Services represents
8 low-income citizens of Philadelphia in a
9 variety of job-related discrimination
10 issues, such as discrimination, wage
11 claims, family medical leave, welfare to
12 work, disability benefits and barriers to
13 employment. Among the employment
14 problems we see is individuals, mainly
15 women, whose jobs are threatened as a
16 direct or indirect result of domestic
17 violence. The threat to jobs can take
18 several forms. We've seen women lose
19 their jobs because their batterer
20 threatens or harasses them at work,
21 leading either to their needing to quit
22 or to their employer firing them. Others
23 lose their jobs because the batterer
24 works in the same workplace and the
25 employer does not, or feels it cannot,

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 appropriately deal with the situation,
3 even with a protection from abuse order.
4 Some lose their jobs because of time away
5 from work needed to deal with the
6 consequences of the domestic violence,
7 going to court, seeking new housing,
8 getting medical attention. Recent
9 amendments to the City's Family and
10 Medical Leave Act provision have helped
11 some in this regard by extending FMLA
12 leave to individuals who need to take
13 time off from work for a reason related
14 to domestic violence.

15 However, victims of past or
16 present domestic violence continue to
17 face blatant discrimination from
18 employers who continue to perceive them
19 as undesirable employees merely because
20 of their status as victims.
21 Unfortunately, there are very few
22 employment protections for victims of
23 domestic violence. Employers are
24 generally found to be acting legally when
25 they fire employees because of a

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 perceived risk of harm from the abuser.

3 Sex discrimination claims in these

4 circumstances have found little support

5 in the courts.

6 Because of the lack of job
7 protections, we are pleased to see City
8 Council addressing this issue within The
9 Philadelphia Code. Adding victims of
10 domestic violence to those covered by the
11 Fair Practices Ordinance would help to
12 provide some necessary protection to
13 those whose jobs are threatened for
14 reasons other than leave taken. We
15 strongly believe that it should be an
16 unlawful employment practice for an
17 employer to fire or otherwise penalize
18 workers, as they do, merely because the
19 employee happens to be a victim of
20 domestic violence. These situations
21 usually arise because of an employer's
22 vague concerns that a batterer might come
23 to a workplace or because the victim
24 receives phone calls from the harasser,
25 and these can generally be handled with

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 simple work safety plans rather than
3 taking the extreme and inhumane step of
4 terminating the employment of somebody
5 already facing devastating life
6 challenges.

7 The housing piece. The Housing
8 Unit at Community Legal Services
9 represents low-income citizens of
10 Philadelphia in their housing cases,
11 including evictions, repair issues and
12 fair housing claims. Among the issues we
13 see are victims of domestic and sexual
14 violence who are refused housing or
15 evicted from their homes for reasons
16 related to the violence perpetrated
17 against them. The threat to housing
18 could take several forms. We've seen
19 women evicted for calling the police or
20 for enforcing a protection from abuse
21 order. We've seen women evicted for
22 damage done to a door that the abuser
23 broke down to try and get in. We have
24 seen women evicted because the abuser
25 befriended the landlord and convinced him

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 to terminate the tenant's and family's
3 lease. We've seen women evicted or
4 denied housing for refusing the sexual
5 advances of their landlords. We've seen
6 women denied housing when the landlord
7 found out about their status as a victim
8 of sexual or domestic violence.

9 For domestic violence victims,
10 safe and stable housing is a crucial
11 element in their ability to break out of
12 the cycle of violence. Domestic violence
13 victims are often forced to remain with
14 or return to their abuser when they are
15 unable to find adequate housing for their
16 families. Women and their children who
17 are denied housing or evicted due to the
18 violence against them often enter the
19 shelter system, a costly solution for the
20 City and destabilizing for the family.
21 Women are often afraid to call 9-1-1 to
22 protect themselves because they're afraid
23 that their landlord will evict them.

24 Domestic and sexual violence
25 victims should not lose their housing or

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 be denied housing because of abuse
3 against them.

4 In 2005, when Congress
5 reauthorized the Violence Against Women
6 Act, they included a new section
7 specifically addressing the issues
8 domestic violence victims face in
9 maintaining stable housing. The
10 reauthorized VAWA amended the federal
11 Fair Housing Act to prohibit
12 discrimination against domestic violence
13 victims living in or applying to
14 subsidized housing. These federal
15 protections have been instrumental in
16 helping many victims gain admission to or
17 maintain their subsidized housing.
18 Unfortunately, these federal protections
19 don't extend to private-housing tenants.
20 Many other states, cities and counties
21 already have enacted comprehensive
22 tenants' rights protections for victims
23 of domestic and sexual violence living in
24 private housing.

25 Philadelphia's domestic and

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 sexual violence victims deserve as a
3 class to receive protection under the
4 laws of our city. These protections will
5 enable victims to find and maintain
6 stable housing so that they can break out
7 of the cycle of violence. It is in
8 Philadelphia's best interest to provide
9 these protections, because doing so will
10 reduce law enforcement, judicial, health,
11 social service and shelter costs that the
12 City incurs as a result of domestic and
13 sexual violence incidents, as well as
14 protect the safety and well-being of some
15 of our most vulnerable families.

16 Thank you.

17 COUNCILMAN GREENLEE: Thank
18 you.

19 Ms. Callahan.

20 MS. CALLAHAN: Thank you. Good
21 morning. Molly Callahan from Women
22 Against Abuse Legal Center.

23 Women Against Abuse appreciates
24 the ongoing support of City Council in
25 addressing issues related to domestic

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 violence and thanks Councilman Greenlee
3 and Councilman Green for inviting us to
4 testify today.

5 Women Against Abuse is the
6 largest domestic violence program in
7 Pennsylvania. We operate the only
8 battered women's shelter in Philadelphia
9 and the first domestic violence legal
10 center in the nation.

11 Domestic violence continues to
12 be an epidemic in the United States. In
13 2009, the Philadelphia Police Department
14 responded to over 114,000 domestic
15 violence calls, and the Philadelphia
16 Domestic Violence Hotline received nearly
17 9,000 calls for help.

18 The proposed amendments to the
19 Fair Practices Ordinance ensure that
20 victims of domestic violence and sexual
21 violence cannot be discriminated against
22 because of their status as a victim.
23 Such discrimination is wrong and harmful
24 on its face. It also plays into the
25 abuser's hands. It further isolates and

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 disempowers the victim. It punishes the

3 victim for the abuser's behavior. Too

4 often we hear stories of victims who are

5 in danger of losing their job or their

6 home because they have been victims of

7 abuse. Because the abuser damages her

8 door or because the victim has to call

9 the police when the abuser shows up, the

10 victim is in danger of being evicted.

11 Because the abuser continually calls her

12 job or because the abuser has beaten her

13 and left marks on the victim, the victim

14 is in danger of being fired.

15 This ordinance will have an

16 immediate positive impact on domestic and

17 sexual violence victims and their

18 children. It will keep them in their

19 homes and it will keep them in their

20 jobs. And it will also have a positive

21 impact on the City. It will mean less

22 unemployment and less homelessness and

23 less of the problems that we see down the

24 road when victims are not protected.

25 To reduce violence now and in

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 the future, we must ensure that victims
3 and their children are supported by the
4 community. Without this support, victims
5 may be forced to return to the abuser,
6 and this continues the cycle of violence
7 for the victim and for generations to
8 come.

9 This ordinance recognizes that
10 violence is a community issue and that it
11 is through community support that we will
12 truly break the cycle of abuse.

13 Women Against Abuse strongly
14 supports this legislation, which puts
15 Philadelphia at the forefront of
16 protecting victims of domestic violence
17 and sexual violence.

18 Again, we thank you for your
19 support.

20 COUNCILMAN GREENLEE: Thank
21 you, Ms. Callahan.

22 Thank you all for what you do.
23 Councilman Kenney.

24 COUNCILMAN KENNEY: Thank you,
25 Mr. Chairman.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 Just quickly, on the basis of
3 the testimony, a couple things came out
4 that I probably was aware of, but once
5 you brought it to my attention, it had
6 kind of been incredulous in some regards.
7 And I'm wondering if the people from the
8 Human Relations Commission could give me
9 some idea as to whether or not if a woman
10 is beaten, harassed at her workplace and
11 winds up being fired as a result of that
12 and takes an issue to the Human Relations
13 Commission and is found that she in fact
14 had been discriminated against, is that
15 information private or is that a public
16 record? Because my thought is that if
17 there's --

18 COUNCILMAN GREENLEE: Maybe you
19 just want to go, yeah.

20 MS. STALEY: Currently all of
21 that information is private. One of the
22 provisions that we've included in the
23 proposed amendments is that if the
24 parties settle, that the terms of the
25 settlement would be public. If it

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 went -- if there was a finding of
3 discrimination by our staff and then
4 there was a public hearing before the
5 Commissioners, that entire process would
6 be public, and it currently is now as
7 well. But under the existing ordinance,
8 any case that where there's a finding of
9 discrimination and the parties settle
10 before there's a public hearing, there's
11 no public information about that.

12 COUNCILMAN KENNEY: Because one
13 of the, I guess, ways in which to keep
14 employers in this regard honest is the
15 threat of having them exposed as being
16 discriminatory. I mean, I'm not naive
17 enough to think that women have not been
18 fired for things like this, but when you
19 bring it into the record and to our
20 attention, it's, well, who the hell are
21 these companies that are doing this to
22 people, and I think that one of the ways
23 to kind of keep that from happening or at
24 least give an incentive not to do it
25 would be exposing -- I can't imagine a

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 major company that does this that would
3 want that information in the public
4 domain.

5 MS. TRACY: I recall last year
6 or two years ago when Councilman Greenlee
7 introduced the legislation to allow
8 unpaid leave, that he got a lot of
9 pushback from employers on that issue.

10 COUNCILMAN KENNEY: And I think
11 we sunsetted it and it turned out to be
12 fine.

13 MS. TRACY: Turned out to be
14 fine.

15 COUNCILMAN GREENLEE: And when
16 we made it permanent, I ask every year,
17 has there been any complaints about it.
18 Not one. Not one.

19 COUNCILMAN KENNEY: I just
20 think that the more -- again, I don't
21 want to revictimize the victim by having
22 this in the public domain if she doesn't
23 want it there, but I do think it's
24 important that companies realize that the
25 threat of exposure for the firing of a

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 woman who comes in and has been battered
3 and doesn't look the way he likes her to
4 look and fires her, or the abuser is
5 constantly calling the office or calling
6 the business, I mean to be fired for
7 that, I think the public, the buying
8 public or the shopping public, should
9 know who those folks are.

10 MS. TRACY: And it also should,
11 if I may, bring these employers to the
12 table to help end domestic violence.

13 COUNCILMAN KENNEY: Right.

14 MS. TRACY: That people who
15 have status and resources in the
16 community should be part of --

17 COUNCILMAN KENNEY: I know it's
18 naive again, but you would hope that the
19 owner, the manager would have some
20 empathy and try to help as opposed to
21 making the situation worse by making her
22 unemployed.

23 So, again, you answered my
24 question, but I do think that founded
25 cases of that where the business is

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 discriminating like that should be made
3 public.

4 MS. STALEY: And we absolutely
5 agree, which is part of why we actually
6 included that amendment in the bill as
7 well.

8 COUNCILMAN KENNEY: Great.

9 COUNCILMAN GREENLEE: Thank
10 you. Thank you, Councilman.

11 Any other questions or
12 comments?

13 (No response.)

14 COUNCILMAN GREENLEE: Seeing
15 none, again, thank the three of you very
16 much.

17 Is there anyone else here to
18 testify on Bill 110050, the fair
19 practices law?

20 (No response.)

21 COUNCILMAN GREENLEE: Seeing
22 none, Ms. Marconi, could you please read
23 the title of the next bill and resolution
24 before us, please.

25 THE CLERK: Bill 110060, an

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 ordinance providing for the submission to
3 the qualified electors of the City of
4 Philadelphia of the proposal set forth in
5 a Resolution approved by Council
6 proposing an amendment of The
7 Philadelphia Home Rule Charter relating
8 to the creation, appointment, powers and
9 duties of an independent Jobs Commission;
10 and authorizing the appropriate officers
11 to publish notice and to make
12 arrangements for the special election.

13 Resolution 110063, proposing an
14 amendment to The Philadelphia Home Rule
15 Charter to provide for the creation,
16 appointment, powers and duties of a Jobs
17 Commission; and providing for the
18 submission of the amendment to the
19 electors of Philadelphia.

20 COUNCILMAN GREENLEE: Thank
21 you.

22 I have three witnesses listed.

23 Here comes Councilman Clarke.

24 He's the sponsor of the bill, and he has
25 asked to speak first. Then I have three

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 witnesses, Kevin Dow, Mark Edwards and
3 Robert Nelson.

4 Is there anyone else here to
5 testify?

6 (No response.)

7 COUNCILMAN GREENLEE: Great.

8 Councilman Clarke.

9 COUNCILMAN CLARKE: Thank you,
10 Mr. Chair. I will be brief.

11 First, I'd like to thank you
12 for holding this hearing in a timely way
13 so we can get this issue on the ballot.

14 Real briefly, as you know,
15 we're talking about forming a Jobs
16 Commission. This particular legislation
17 was sponsored by all members of Council.
18 One of the things that we wanted to do
19 was to get a consolidated effort with the
20 branches of government, meaning the
21 administrative and the executive. In
22 addition to which, we want to make sure
23 that everybody gets to participate in the
24 process that will ultimately end up to
25 create good jobs for the citizens of the

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 City of Philadelphia.

3 As you know, there have been a
4 number of commissions, the Tax Reform
5 Commission, the Zoning Code Commission,
6 which is currently winding down, all
7 types of commissions, but there's not
8 really been, from my perspective, an
9 issue to merge all these commissions and
10 to come up with one plan that at the end
11 of the day talks about a job. I'm
12 concerned that, as an example, the
13 Chamber of Commerce essentially has had a
14 single-minded approach as we move
15 throughout the years of basically cutting
16 taxes, which is probably something we
17 would need to do, but it's clear that we
18 have to do more than just cut taxes.

19 We said in the hearing
20 yesterday -- it was a six-hour hearing.
21 We had a number of individuals who were
22 from the ex-offender community, people
23 who were working as advocates for the
24 ex-offender community, to talk about
25 strategies as it related to creating jobs

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 for those most challenged individuals as
3 it relates to their ability to get a job.
4 They need to be a part of the discussion.
5 We need to have the educational system as
6 a part of the discussion, because at the
7 end of the day, you create a job in the
8 City of Philadelphia and the
9 Philadelphians aren't adequately educated
10 to take that job, then it's really not
11 our primary objective.

12 So I think that this will give
13 us an opportunity with Council and the
14 Mayor naming this panel, given a short
15 timeframe, six months, get us a report
16 that will essentially lay out a blueprint
17 utilizing all of the information that's
18 out there and the information that we
19 will anticipate over the next year, both
20 coming from the federal and state
21 government, as it relates to some of the
22 changes legislatively and from a
23 resources perspective to give us a
24 blueprint as we move ahead in the next
25 decade to create some significant job

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 opportunities in the City of
3 Philadelphia.

4 So I respectfully ask for your
5 support for this legislation.

6 COUNCILMAN GREENLEE:

7 Councilman, we were presented with some
8 amendments. Are they your amendments?
9 Are they amendments that we all agree --

10 COUNCILMAN CLARKE: These are
11 Administration amendments. I believe --
12 well, I'll let them explain it, but
13 they're Administration --

14 COUNCILMAN GREENLEE: They'll
15 explain it? Are you supportive of those?

16 COUNCILMAN CLARKE: Yeah. We
17 found them to be acceptable to the
18 legislation.

19 COUNCILMAN GREENLEE: I was
20 going to ask for an explanation, but I
21 thought Mr. Dow may be --

22 COUNCILMAN CLARKE: That's
23 fine.

24 COUNCILMAN GREENLEE: Great.

25 Any questions or comments for

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 the Councilman?

3 (No response.)

4 COUNCILMAN GREENLEE: Thank
5 you, sir.

6 COUNCILMAN CLARKE: Thank you,
7 Mr. Chairman.

8 Excuse me, Mr. Chairman. There
9 were actually a couple of other
10 individuals here representing
11 organizations that had to leave because
12 of the time.

13 COUNCILMAN GREENLEE: I
14 understand.

15 COUNCILMAN CLARKE: So they're
16 going to be submitting supporting
17 documents.

18 COUNCILMAN GREENLEE: That's
19 why I try to get people to -- but what
20 are you going to do.

21 COUNCILMAN CLARKE: I
22 understand. Thank you, Mr. Chairman.

23 COUNCILMAN GREENLEE: Mr. Dow.
24 Again, anybody that has written
25 testimony can submit it to the

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 stenographer. We'll make sure it's part
3 of the record. You don't have to read
4 every single word.

5 (Witness approached witness
6 table.)

7 COUNCILMAN GREENLEE: Good --
8 still morning, Mr. Dow. We got you up
9 before at least noon.

10 MR. DOW: I'm patient. You
11 guys, I appreciate you all taking this
12 topic up at hand and I appreciate the
13 opportunity.

14 Good morning, Chairman Greenlee
15 and members of the Law and Government
16 Committee. I am Kevin Dow, Deputy
17 Commerce Director and Chief Operating
18 Officer of the Commerce Department. I am
19 here to testify on Resolution No. 110063,
20 which proposes an amendment to the
21 Philadelphia Home Rule Charter, and Bill
22 No. 110060, which would set forth the
23 ballot question to be placed on the May
24 17th ballot to approve the Charter
25 change.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 The proposal, sponsored by
3 Councilman Clarke, would ask the voters
4 at the May election to establish in the
5 City's Charter a Jobs Commission. The
6 resolution outlines the manner of
7 appointment of the members of the
8 Commission and the purpose of the
9 Commission; namely, to study how City
10 government and related economic
11 development agencies can best marshal and
12 coordinate resources to help create and
13 preserve private-sector jobs for
14 Philadelphians. The proposal would call
15 upon the Commission to provide a report
16 on its findings by January 31st, 2012.

17 Before addressing the Charter
18 change proposal directly, let me first
19 briefly address some of the
20 Administration's current efforts in this
21 regard. Because, of course, while
22 additional study is often very, very
23 helpful and even though the economic
24 picture has been quite bleak for many
25 months, we have not been sitting idly by

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 in seeking to promote business
3 development and jobs growth in the City.
4 Rather, a coordinated effort fostering
5 economic development and jobs growth have
6 been a centerpiece of the work of this
7 Administration. The City's Commerce
8 Department, in coordination with many
9 public, quasi-public and non-profit
10 economic development agencies, has been
11 working extremely hard to attract and
12 grow businesses in Philadelphia.
13 Included in those efforts has been a
14 renewed focus on supporting small as well
15 as minority and women-owned enterprises,
16 and sharpening our focus on industry
17 segments such as energy and the green
18 economy.

19 As we begin what is hopefully a
20 sustained upswing from the historic
21 depression we have recently endured, we
22 are positioning ourselves to grow in what
23 we hope will be a dynamic and enduring
24 way. And our efforts, as we turn the
25 corner, have started to show some

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 fantastic results.

3 Among those results, Urban
4 Outfitters is investing \$30 million to
5 develop the Cruise Ship Terminal Building
6 and an additional building at the Navy
7 Yard, an expansion of a homegrown company
8 that will add 1,000 new jobs in the City
9 over the next three years.

10 This is just the latest sign
11 that the Navy Yard is taking off in a way
12 that is spurring very significant job
13 development. Based on the 130 million
14 grant from the Department of Energy, the
15 Greater Philadelphia Innovation Cluster
16 will be built at Building 661 at the Navy
17 Yard. This center of energy efficiency
18 research will create 325 immediate
19 construction jobs, provide 50 permanent
20 jobs and is anticipated to stimulate
21 thousands more construction jobs in the
22 energy efficiency field.

23 Two weeks ago, we broke ground
24 on a \$43 million renovation of 600 North
25 Broad Street, which we anticipate will

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 create over 230 permanent retail and
3 restaurant jobs.

4 Campus Apartments is building a
5 50 million hotel in West Philadelphia,
6 creating approximately 300 construction
7 jobs and 35 permanent jobs, a project
8 made possible with financing from the
9 City, including our first ever
10 EnergyWorks loan for a green building.

11 Also in West Philadelphia, Children's
12 Hospital recently received bond approval
13 to build a state-of-the-art ambulatory
14 care facility, which will lead to 250 new
15 permanent jobs in its first phase. And
16 the Wistar Institute's eight-story
17 expansion of research laboratories will
18 provide 350 construction jobs and more
19 than 100 new permanent jobs.

20 The new 87 million Kimpton
21 Hotel, the Hotel Monaco at 5th and
22 Chestnut, will provide almost 600
23 construction jobs and create 180 new
24 permanent jobs.

25 The PhillyLive! Development

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 will bring a new hotel and family
3 entertainment center to the stadium
4 complex, which will provide 275 permanent
5 jobs as well as numerous construction
6 jobs.

7 Teva Pharmaceuticals, the
8 largest manufacturer of generic drugs in
9 the world, is building its new \$300
10 million North American distribution
11 facility in Northeast Philadelphia,
12 bringing up to 500 permanent jobs to the
13 City.

14 On Temple's campus in North
15 Philadelphia, Temple University is
16 building a 1,000-bed residential
17 facility, which will include a dining
18 hall, parking garage and retail space,
19 which will provide more than 100
20 permanent jobs and over 1,000
21 construction jobs.

22 The new Family Court building,
23 which will be built at 15th and Arch
24 Streets, will be almost 1,110 new
25 construction jobs.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 In the area of job retention,
3 GlaxoSmithKline, which seriously
4 considered options outside of the City,
5 has chosen to stay in Philadelphia and
6 develop a new \$80 million headquarters
7 down at the Navy Yard, retaining all of
8 its current 1,300 jobs in the City.

9 With assistance of the City and
10 the Commonwealth, the Aker Shipyard will
11 remain in Philadelphia, retaining 600
12 jobs and restoring 400 jobs over three
13 years.

14 In just the last calendar year,
15 the City has invested over \$400 million
16 in numerous economic development
17 projects, leveraging more than 850
18 million in private investment, which has
19 resulted in the creation or retention of
20 more than 4,500 jobs.

21 Through our Office of Economic
22 Opportunity, we are also creating an
23 environment where opportunities are being
24 created for minority and women-owned
25 businesses. The latest numbers show that

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 we have increased participation in City
3 contracts of these businesses to almost
4 24 percent. We know that the majority of
5 these businesses are locally based and
6 that they hire from within their own
7 community right here in Philadelphia.

8 We are in the process of
9 overhauling our workforce development
10 agencies to create a system that is more
11 nimble and effective at growing the
12 workforce for businesses located right
13 here in Philadelphia.

14 As you can see from these many
15 and many more accomplishments, our
16 commitment to job creation is strong and
17 successful. Job creation is one of the
18 highest priorities of the Mayor's
19 Administration, Mayor Nutter's
20 Administration.

21 Turning back to the proposal at
22 hand, we do not oppose the creation of a
23 commission to create a forum for further
24 consideration of the City's economic
25 development and jobs creation efforts and

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 coordination of efforts among the many
3 agencies and entities involved. We would
4 like to propose several amendments to the
5 resolution, however, to more closely
6 match existing Charter language in
7 connection with similar bodies created to
8 conduct studies and provide
9 recommendations. Most significantly, the
10 composition of the Commission should be
11 firmly established and, therefore, not
12 subject to change by future City Council
13 ordinance. The same applies to the
14 duties of the Commission. These duties
15 are well spelled out in the resolution
16 and should not be subject to change by
17 Council ordinance. Lastly, we believe
18 that among the areas of concern the
19 Commission should consider are legal
20 requirements on businesses as well as tax
21 policies.

22 Our proposed amendments were
23 submitted to the Committee with our
24 testimony. I can also hand up a copy for
25 your consideration.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 Thank you for the opportunity
3 to testify regarding Bill No. 110060 and
4 Resolution No. 110063. The
5 Administration looks forward to working
6 closely with Councilman Clarke and all
7 members of Council to continue to promote
8 and incentivize the creation of jobs in
9 Philadelphia and for Philadelphians.
10 This is a goal that I know we all share.

11 I am happy to answer any
12 questions at this time, and thank you.

13 COUNCILMAN GREENLEE: Thank
14 you, Mr. Dow.

15 Any questions?

16 Councilman Goode.

17 COUNCILMAN GOODE: Thank you,
18 Mr. Dow. I'm actually trying to do the
19 calculation here. You presented the
20 Administration's record pretty clearly on
21 job creation. Can you tell us what the
22 investment is per job on average?

23 MR. DOW: I don't have that
24 broken down by average right now.

25 COUNCILMAN GOODE: I just did

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 it.

3 MR. DOW: I'm sure we can get
4 that to you very quickly.

5 COUNCILMAN GOODE: It's \$400
6 million invested and 4,500 jobs.

7 MR. DOW: I'm sorry?

8 COUNCILMAN GOODE: It's \$400
9 million invested. Is that number
10 accurate?

11 MR. DOW: I have a grand total
12 for projects that I have listed roughly,
13 public investment, of -- for 2010, I
14 broke it down, and then if you add the
15 total for '08 and '09. So for 2010, we
16 have 52,000,954. That leveraged
17 project -- that was a total project cost
18 of 48 million --

19 COUNCILMAN GOODE: I'm actually
20 looking at Page 4 in your testimony, next
21 to the last paragraph.

22 MR. DOW: Okay.

23 COUNCILMAN GOODE: You said in
24 the last calendar year, the City has
25 invested over \$400 million in numerous

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 economic development projects.

3 MR. DOW: Okay.

4 COUNCILMAN GOODE: So that is
5 the correct figure?

6 MR. DOW: Yeah.

7 COUNCILMAN GOODE: And the
8 result in the creation and retention of
9 4,500 jobs. Do you know how many --

10 MR. DOW: It was more then, but
11 we used that number as --

12 COUNCILMAN GOODE: Do you know
13 how many of those jobs were created and
14 how many of those jobs were retained?

15 MR. DOW: I do not know.

16 That's a combination of construction
17 jobs, permanent jobs. So I don't know
18 that breakdown right now.

19 COUNCILMAN GOODE: I'm going to
20 try to separate the creation from
21 retention, not so much whether they're
22 permanent or temporary, but how many were
23 created and how many were retained.

24 MR. DOW: Well, I mean, the
25 example, that would include the 1,300

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 from Glaxo that were retained and --

3 that's the biggest number that I would

4 know right off the top of my head.

5 COUNCILMAN GOODE: Because if
6 they were all created, the cost would be
7 about \$11,250 per job, which is not bad,
8 but knowing that the majority may not
9 have been created but retained, once that
10 number gets to a certain figure, the
11 investment per job creation is not
12 necessarily as good. So I was wondering,
13 is there a goal in terms of what the
14 maximum per job should be in terms of job
15 creation?

16 MR. DOW: A goal from the --
17 well, we would like to maximize as many
18 jobs as possible.

19 COUNCILMAN GOODE: I'm saying
20 what's the maximum that should be spent
21 per job in terms of job creation?

22 MR. DOW: That's a very good
23 question. I wouldn't be able to say
24 specifically what that number should be
25 relative for every job created, this is

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 how much we should spend. What I would
3 say is that that's relative based on the
4 scenario at hand.

5 So if you look at the retention
6 of GlaxoSmithKline, that might be a
7 different scenario than the retention of
8 another type of business. When you look
9 at the type of employees that Glaxo has
10 in terms of the level of income that
11 those generate, therefore, the taxes that
12 they generate. So we might very well
13 spend a little bit more for that type of
14 client or something different.

15 So I don't know the answer, but
16 I would know that it's relative based on
17 that.

18 COUNCILMAN GOODE: I guess at
19 the end of the day, that's why we
20 probably do need a Jobs Commission,
21 because I think it needs to be averaged
22 out. You're right, we're going to spend
23 more for certain jobs. We should spend
24 more for certain jobs. They're higher
25 quality jobs. But if we have limited

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 public investment, there probably does
3 need to be some sort of standard set that
4 we look to spend per job on an annual
5 basis so that we're making sure that
6 we're maximizing our job creation with
7 the few dollars that we do have.

8 MR. DOW: Sure.

9 COUNCILMAN GOODE: Thank you
10 for your testimony.

11 MR. DOW: Not a problem. Thank
12 you.

13 COUNCILMAN GREENLEE: Thank
14 you, Councilman.

15 Councilman Kenney.

16 COUNCILMAN KENNEY: Thank you,
17 Mr. Chairman.

18 Respectfully, did you write
19 your testimony?

20 MR. DOW: Yes. I was involved
21 in writing it, yes.

22 COUNCILMAN KENNEY: Was someone
23 in the Administration, did they review it
24 and say that this is okay?

25 MR. DOW: Yes.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 COUNCILMAN KENNEY: Who was
3 that?

4 MR. DOW: There was a team of
5 individuals, Legislative Affairs, Mayor's
6 Office --

7 COUNCILMAN KENNEY: Was it
8 Chief of Staff? Was it --

9 MR. DOW: Yeah. I speak for
10 the Administration, so this was approved
11 by the Administration, yes.

12 COUNCILMAN KENNEY: The Mayor
13 himself?

14 MR. DOW: I can't say that. I
15 don't know.

16 COUNCILMAN KENNEY: You weren't
17 in the room when the Mayor approved it
18 or -- if he did, you weren't there?

19 MR. DOW: Right.

20 COUNCILMAN KENNEY: I'm just
21 trying to figure out who -- again, I
22 usually don't like to take issue with the
23 Administration on many things, but I find
24 the testimony bizarre. I mean, the bulk
25 of it was this what I heard at the

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 Chamber of Commerce luncheon. I think
3 I've heard that whole list of things.
4 It's wonderful, but it had nothing to do
5 with the Job Commission. And then you
6 come to the end of your testimony, you
7 say, Well, by the way, we're not opposed
8 to it. I mean, not exactly like stellar
9 support for it.

10 MR. DOW: Part of what we
11 wanted to extend the message is that the
12 Administration is doing things to create
13 jobs and create an environment.

14 COUNCILMAN KENNEY: Does the
15 Administration believe that the
16 introduction of this bill was somehow a
17 comment that you weren't?

18 MR. DOW: No.

19 COUNCILMAN KENNEY: It would
20 seem to be very defensive, and I don't
21 think there was a need to be defensive.

22 And the other issue, frankly,
23 and, again, respectfully, I'm less likely
24 to want to support these amendments
25 because of the way in which -- the

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 reasons for which they were given, and,
3 that is, you don't want us to do anything
4 on our own. You don't want this Council
5 or future Councils to take action.

6 Why would the Administration
7 want to take a position like that?

8 MR. DOW: We were trying to
9 align the amendments up with similar
10 bodies that had been created, so to
11 create consistency from commission to
12 commission to commission. We seen in the
13 past different from what we had today, so
14 that's what we were trying to do.

15 COUNCILMAN KENNEY: Again, you
16 know me, I don't necessarily like to
17 fight with you guys, the best I can, but
18 I find it somewhat offensive that you're
19 going -- the reason for the amendments is
20 to protect everybody from us, which to me
21 is how I heard it, and then the bulk of
22 your testimony is the accomplishments of
23 the Administration, and I applaud them,
24 but -- and then kind of lackluster
25 support for the Commission itself. I

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 mean, to me it wasn't appropriate
3 testimony, but, again, respectfully,
4 you're able to do whatever you want. But
5 I'm less likely to support those
6 amendments based on the rationale for
7 them. And I, again, applaud the
8 Administration's job creation and
9 retention efforts. I think they've done
10 a great job in the midst of a bad
11 economy, but I think that maybe an
12 approach that we applaud Councilman
13 Clarke or Council's efforts to continue
14 to help our citizens get work.

15 MR. DOW: And --

16 COUNCILMAN KENNEY: That's more
17 of an approach that would have been more
18 palatable, I guess.

19 MR. DOW: To succinctly say, we
20 do applaud Council's efforts here. We
21 applaud the Councilman's efforts here.
22 We do and are very much open to more
23 creative thinkers. The more minds that
24 are thinking about this topic, the better
25 our success can be.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 COUNCILMAN KENNEY: So the
3 Administration in that regard doesn't
4 oppose this?

5 MR. DOW: That's correct.

6 COUNCILMAN KENNEY: Do you
7 support it?

8 MR. DOW: We are on board with
9 the proposal as is with the amendments
10 attached.

11 COUNCILMAN KENNEY: So the
12 Administration supports the effort?

13 MR. DOW: Yes.

14 COUNCILMAN KENNEY: Thank you.

15 COUNCILMAN GREENLEE:
16 Councilman Green.

17 COUNCILMAN GREEN: Thank you.

18 Does the Administration support
19 the proposal without the amendments?

20 MR. DOW: I would say we would
21 rather have the proposal move forward and
22 the legislation move forward with the
23 amendments.

24 COUNCILMAN GREEN: So if we
25 ever need another Jobs Commission after

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 this one is done, we would have to have
3 another Charter change rather than simply
4 by legislation sort of changing the date,
5 appointing new people, doing things that
6 would allow us to have a Jobs
7 Commission -- let's hope we don't need it
8 in ten years again if we need it --
9 without going back to the voters?

10 MR. DOW: According to the
11 resolution as it stands, that would be
12 correct.

13 COUNCILMAN GREEN: With your
14 amendments.

15 MR. DOW: Yes.

16 COUNCILMAN GREEN: Well, I just
17 would be curious to know what the sponsor
18 of the bill thinks about the amendments.
19 I'll be guided by his...

20 COUNCILMAN CLARKE: Thank you,
21 Councilman. As I said earlier, these
22 were the Administration's amendments.
23 There was one amendment that we need to
24 make, simply taking out the language
25 annually two times a year. This is a

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 six-month commission. So we need to
3 delete that from the bill, because if
4 it's a six-month commission, there's no
5 need to have a reference to having two
6 hearings, two public meetings a year.
7 That needs to come out.

8 These amendments are amendments
9 that I can obviously live without. In
10 the spirit of cooperation, if this
11 Committee supports those amendments, I'll
12 go along with it, but it's not something
13 that I asked for. I'm trying to do this
14 as diplomatic as possible.

15 COUNCILMAN GREENLEE: That was
16 a very politically correct answer,
17 Councilman.

18 COUNCILMAN CLARKE: It's that
19 time of year.

20 MR. DOW: I'm trying to do the
21 same.

22 COUNCILMAN CLARKE: I do want
23 to concur with Councilman Kenney's
24 reference to the testimony and say that
25 the intent of this Council was in no way

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 attempting to put the Council -- put the
3 Administration on the defensive and
4 suggesting that you're not doing a good
5 job or as an aggressive job as you can.
6 It was simply that we are allegedly a
7 partnership, and Council has the right
8 and responsibility to be proactive in its
9 attempt to deal with all citizens of the
10 City of Philadelphia as it relates to
11 coming up with creative ideas. I mean,
12 we understand that the Administration in
13 terms of staffing has all of the various
14 departments as it relates to job
15 creation. Unfortunately, we don't have a
16 Commerce Department within Council, which
17 I wish we did, but we do have significant
18 talent not only in terms of
19 Councilmembers but on staff. So it's our
20 way of showing that we are engaged in the
21 issue, which I believe personally is the
22 most important issue that we should be
23 focused on.

24 So it was not the intent to put
25 you guys on the defensive where you felt

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 the need to come in and testify about all
3 the wonderful things you've done.

4 MR. DOW: And if I may, it was
5 not our intent --

6 COUNCILMAN CLARKE: Because
7 that was like 90 percent of the
8 testimony.

9 MR. DOW: I understand that,
10 and it was a way in which to put on the
11 record the efforts that we have to create
12 jobs and create an environment for
13 Philadelphians for jobs. It was not in
14 any way as a disrespect or disregard to
15 you or the Council as a whole or the
16 Chair. And we too look at this as a
17 partnership. We too would say that more
18 individuals -- the more we could do with
19 creating the environment for Philadelphia
20 to get jobs is what we're all about, and
21 if this Commission can help us with that,
22 augment our efforts, we're looking
23 forward to working with them as well.

24 COUNCILMAN CLARKE: I guess I
25 didn't answer the question.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 COUNCILMAN GREENLEE:

3 Councilman Goode.

4 COUNCILMAN GOODE: I do try my
5 best to function as your Commerce
6 Department within Council.

7 COUNCILMAN GREENLEE: Mr. Dow,
8 I can't resist this, even though it
9 doesn't exactly deal with this bill. In
10 that spirit of cooperation, do you think
11 it's probably a good idea when there's
12 communication made by the Administration
13 on a bill, that there should be
14 communication with Council and sponsors
15 of that bill?

16 MR. DOW: I agree with that.

17 COUNCILMAN GREENLEE: Thank
18 you, sir. That's on another issue.

19 COUNCILMAN CLARKE: I hear you.
20 It's just --

21 MR. DOW: I appreciate your
22 understanding in that regard, and I
23 appreciate your professionalism and the
24 leadership.

25 COUNCILMAN GREENLEE: I

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 couldn't leave that one go, sir. Thank
3 you.

4 Councilman Clarke.

5 COUNCILMAN CLARKE: So I'm
6 comfortable with the Committee if they
7 are not supportive of the amendments and
8 I'm comfortable if they are.

9 COUNCILMAN GREENLEE: Okay.

10 COUNCILMAN CLARKE: I
11 understand your concern, believe me, but
12 there was some -- and this is a public
13 hearing, but there were some
14 conversations behind the scene. I think
15 that the testimony as originally written
16 would have been a little less palatable
17 to Councilmembers.

18 COUNCILMAN KENNEY: Oh, that
19 was improved?

20 COUNCILMAN CLARKE: Yes.

21 COUNCILMAN GREENLEE: Okay.
22 All right. Duly noted. Thank you.

23 Any other questions or comments
24 for Mr. Dow?

25 (No response.)

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 COUNCILMAN GREENLEE: Seeing
3 none, Mr. Edwards and Mr. Nelson, why
4 don't you come up together.

5 Is there anyone else here -- I
6 asked this before. Is there anyone else
7 here to testify other than these two
8 gentlemen?

9 (No response.)

10 COUNCILMAN GREENLEE: Again,
11 I'll try this one more time. If you have
12 written testimony and you would just like
13 to submit it and paraphrase your
14 statements, that would be fine. Thank
15 you.

16 (Witnesses approached witness
17 table.)

18 COUNCILMAN GREENLEE: Mr.
19 Edwards, you're on the list first, so I
20 guess you can go. Just identify yourself
21 for the record first and proceed. Do you
22 have copies?

23 MR. EDWARDS: Yes, I do.

24 COUNCILMAN GREENLEE: We'll
25 distribute them. Thank you.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 MR. EDWARDS: Good morning,
3 Chairman Greenlee and members of the
4 Committee on Law and Government. My name
5 is Mark Edwards. I'm the President of
6 the Philadelphia Workforce Development
7 Corporation, and I'm honored to offer my
8 testimony in support of Resolution 110063
9 establishing a Jobs Commission in the
10 City of Philadelphia.

11 The need for such a commission,
12 as outlined, is important, and I applaud
13 Councilman Clarke for introducing this
14 resolution and this Committee for holding
15 this hearing.

16 As the resolution notes, and
17 each member of this Committee and indeed
18 the entire City Council knows all too
19 well, unemployment and its consequences
20 have stubbornly wrecked havoc on the
21 lives of entirely too many of our
22 residents.

23 Although the Great Recession
24 was recently declared to have officially
25 ended in June of 2009, the casualties

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 continue to mount. Unemployment persists
3 at the shocking level of 10.2 percent in
4 Philadelphia and is even higher in many
5 of our neighborhoods. The loss of a job
6 or the inability to find one in the first
7 place leaves a trail of personal
8 destruction in the wake of each person
9 that is affected. For example, home
10 foreclosures have hit a new national
11 high, as more U.S. families spent at
12 least one night in a homeless shelter in
13 2009 than in each of the previous two
14 years. Clearly, by addressing the
15 current employment crisis, we will be
16 taking great strides to address tragedies
17 such as mortgage foreclosure and
18 homelessness as well.

19 The creation of a Jobs
20 Commission will support other important
21 efforts now being undertaken in the City
22 to promote job growth and reduce and
23 prevent the kinds of devastating
24 consequences just cited. Specifically,
25 I've been charged with leading a new

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 streamlined agency that unites the
3 Philadelphia Workforce Development
4 Corporation and the Philadelphia
5 Workforce Investment Board. This merger,
6 which is targeted to occur before the end
7 of the current fiscal year in June, is
8 part of a broader plan to improve
9 coordination and enhance the local
10 workforce system. It reflects the Nutter
11 Administration's position that the people
12 of Philadelphia would be best served by a
13 single workforce system that includes the
14 broad scope of adult and youth employment
15 and training services. The approach
16 purposefully strengthens the connections
17 between the workforce development and the
18 economic development systems, among
19 others.

20 For example, the Deputy Mayor
21 of Economic Development has been
22 appointed to both the Philadelphia
23 Workforce Investment Board and the
24 Philadelphia Workforce Development
25 Corporation Board. The Deputy Commerce

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 Director and Chief Operating Officer for
3 the Commerce Department and other
4 Commerce staff serve on critical
5 committees of the workforce system.

6 The Commerce Department played
7 an active role in the Advisory Committee
8 for the Way to Work Philadelphia program
9 last year, an interactive collaboration
10 and one of the most visible and largest
11 scale new programs to come out of the
12 workforce system in the past four years.

13 The Deputy Mayor for Economic
14 Development is also currently playing an
15 active role in guiding the new
16 realignment planning process for the
17 workforce system to help ensure that
18 economic development and workforce
19 development collaboration is a pillar of
20 the new system, including hosting several
21 business roundtables to help businesses
22 have input and comment on the new
23 approach.

24 The result will be a public
25 workforce system that assists both

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 employers and jobseekers at a higher
3 level of efficiency and effectiveness.

4 This is why I pledge my support
5 and my full cooperation to the Jobs
6 Commission in order that we may fully
7 inform the Jobs Commission of some of the
8 federal laws and regulations that guide
9 our workforce system and the related
10 reorganization efforts that I will be
11 overseeing.

12 From my perspective, and based
13 on numerous conversations that I have had
14 with businessowners since January of last
15 year, one of the areas we might consider
16 in this new approach is to help identify
17 current legislative and fiscal policies,
18 laws and regulations that discourage or
19 even thwart job creation and the
20 recruitment of new employers to
21 Philadelphia. If pursued, I look forward
22 to working with the Jobs Commission, the
23 Administration and the business community
24 and pledge my support and that of my
25 colleagues.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 In closing, let me convey my
3 appreciation for the opportunity to
4 testify on this resolution and pledge my
5 support again and that of my colleagues
6 to this Committee and to this Council in
7 your valuable efforts to create and
8 preserve private-sector jobs for
9 Philadelphians, and I will be pleased to
10 answer any questions you may.

11 COUNCILMAN GREENLEE: Thank
12 you, Mr. Edwards. Why don't we hear from
13 Mr. Nelson and then if there's any
14 questions.

15 Mr. Nelson, please identify
16 yourself.

17 MR. NELSON: Yes, sir. Thank
18 you. My name is Bob Nelson. I'm
19 President of the Philadelphia OIC. Good
20 morning, Mr. Chairman, members of the
21 Council.

22 OIC, if you don't know, was
23 founded in 1964 by the late Reverend Leon
24 H. Sullivan and we are an education,
25 training, job placement and supportive

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 services institution.

3 Thank you for this opportunity
4 to comment on Resolution 110063, which
5 provides for the creation of a Jobs
6 Commission.

7 Needless to say, as has been
8 indicated, we are in a crisis situation,
9 and while it's reported that national
10 employment is perhaps 9.2 percent, in
11 Philadelphia it's 10.2 percent. I would
12 assert that in North Central Philadelphia
13 where OIC is located, that number could
14 probably double or triple and be
15 accurate.

16 Let me add another number to
17 that. I attended a workshop of United
18 Way a couple of months ago and prior to
19 the start we were given a multiple-choice
20 quiz. Two of the questions and answers
21 were as follows: How many adults in
22 Philadelphia have not completed a high
23 school diploma? The answer is 202,000
24 people.

25 The second true/false question

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 was that 60 percent of Philadelphia
3 adults are considered low literate, and
4 the answer is true, meaning that adults
5 cannot read the Daily News, which is
6 normed on a fifth/sixth grade reading
7 level.

8 And the implications of that
9 are staggering, as there were 200,000
10 adults who do not have what used to be
11 the basic credential. In the 21st
12 century, the basic credential, at a
13 minimum, is an Associate degree but more
14 so a Bachelor's degree. And the
15 low-literacy skills suggest that getting
16 a GED, much less a college degree, is a
17 daunting challenge and further
18 exacerbates the challenges of getting a
19 job.

20 There is another phenomenon now
21 being played out. Historically OIC has
22 served the most disadvantaged among us,
23 those among the 200,000 I articulated
24 earlier. Those who complete our
25 hospitality training program, for

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 example, when they go to get a job, they
3 are now standing in line with people who
4 have a college degree. While these same
5 people may not have specific hospitality
6 industry training or expertise, they have
7 substantial education, and a prospective
8 employer may feel more confident in their
9 ability to learn those related skills.

10 This economic crisis has forced
11 people to take whatever job they can get,
12 even if that means making a significant
13 career change. This has and will
14 negatively impact the chances of the most
15 disadvantaged in Philadelphia to secure
16 employment.

17 Let me share an example. We
18 recently graduated a student from our
19 housekeeping course who has a Bachelor's
20 degree in biotechnology and a Master's
21 degree in chemistry. Staff recommended
22 that we put her in our annual reports.
23 When I first interviewed this student as
24 to why she would take a housekeeping
25 course with two advanced degrees, her

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 comment was, I needed a job any way that
3 I could get it.

4 And this just reinforces the
5 point about we are now in a situation
6 where even people graduating from college
7 or those with advanced degrees cannot
8 find employment in the City of
9 Philadelphia.

10 The Jobs Commission may be a
11 great idea, but only if the work focuses
12 on the following questions: Where are
13 the jobs and what are the educational,
14 experiential and skill sets requirements
15 for the job? This requires the
16 commitment of the Philadelphia Chamber of
17 Commerce, the African American and
18 Hispanic Chambers and all other chambers
19 to survey their members to ascertain if
20 they have current and projected openings.
21 Moreover, there must be surveys of the
22 small business community, community-based
23 organizations, churches and certainly
24 through PWDC to create a database of
25 prospective employers. It's not enough

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 to count on regular DOL statistical
3 reports, but go directly to those and
4 others who accurately quantify and
5 qualify where are the jobs.

6 The second step will be to
7 match those jobs with those seeking jobs
8 from the least educated and experienced
9 to those with post-secondary degrees.
10 While it is understood and recognized
11 that the Mayor and this Council's
12 objective is to increase college
13 graduation rates and encourage graduates
14 to stay and work in Philadelphia and thus
15 pay taxes in Philadelphia, a concurrent
16 focus must be on identifying
17 opportunities for the most disadvantaged
18 among us, those among the 200,000 I
19 referenced earlier.

20 Also creating this Jobs
21 Commission may be a good idea but only if
22 it galvanizes the broad range of
23 community employers to offer those
24 opportunities. We cannot expect the
25 federal or state government to do this

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.
2 for us. We, as a city, must do it for
3 ourselves.

4 I am pledging support of the
5 Philadelphia OIC as deemed necessary and
6 appropriate, and thank you for this
7 opportunity to comment.

8 COUNCILMAN GREENLEE: Thank
9 you, sir.

10 Are there any questions or
11 comments for either Mr. Edwards or
12 Mr. Nelson?

13 (No response.)

14 COUNCILMAN GREENLEE: Seeing
15 none, thank you both very much. Thank
16 you for all you do. Thank you for your
17 patience and hanging in there to testify.

18 Is there anyone else here to
19 testify on this bill or resolution?

20 (No response.)

21 COUNCILMAN GREENLEE: Seeing
22 none, that ends the hearing of the
23 Committee on Law and Government. We will
24 now go into the public meeting.

25 The Chair recognizes Councilman

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 Kenney for amendment to Bill 110050.

3 COUNCILMAN KENNEY: Thank you,
4 Mr. Chairman. Again, congratulations on
5 all your hard work on this bill.

6 I move that Bill No. 110050 be
7 amended as was discussed in testimony
8 today.

9 (Duly seconded.)

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

12 All in favor please say aye.

13 (Aye.)

14 COUNCILMAN GREENLEE: Opposed?

15 (No response.)

16 COUNCILMAN GREENLEE: Hearing
17 none, the amendments are approved.

18 Once again, Councilman Kenney.

19 COUNCILMAN KENNEY: Thank you,
20 Mr. Chairman. I move that Bill No.
21 110050, as amended, be reported out of
22 this Committee with a favorable
23 recommendation and a request made for a
24 rules suspension to allow first reading
25 at our next Council session.

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 (Duly seconded.)

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

5 All in favor please say aye.

6 (Aye.)

7 COUNCILMAN GREENLEE: Opposed?

8 (No response.)

9 COUNCILMAN GREENLEE: Hearing
10 none, Bill No. 110050, as amended, is
11 reported out of Committee with a
12 favorable recommendation, rules of
13 Council suspended to allow for first
14 reading at our next session of Council.

15 Once again, Councilman Kenney
16 on Bill No. 110060.

17 COUNCILMAN KENNEY: I will
18 respectfully defer to the Commerce
19 Director of City Council for that motion.

20 COUNCILMAN GREENLEE: Very
21 good.

22 Mr. Director, sir.

23 COUNCILMAN GOODE: Thank you,
24 Mr. Chairman.

25 COUNCILMAN GREENLEE: Otherwise

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 known as Councilman Goode.

3 COUNCILMAN GOODE: Thank you,
4 Mr. Chairman. I move that Bill 110060 be
5 reported out of Committee with a
6 favorable recommendation, the rules of
7 Council be suspended so as to permit
8 first reading at our next Council
9 session.

10 (Duly seconded.)

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

13 All in favor please say aye.

14 (Aye.)

15 COUNCILMAN GREENLEE: Opposed?

16 (No response.)

17 COUNCILMAN GREENLEE: Hearing
18 none, Bill No. 110060 has been reported
19 out of the Committee with a favorable
20 recommendation and a suspension of the
21 rules to allow for first reading at our
22 next session of Council.

23 Once again, Councilman Goode on
24 Resolution 110063.

25 COUNCILMAN GOODE: Thank you,

1 2/24/11 - LAW & GOV'T - BILL 110050, etc.

2 Mr. Chairman. I move that Resolution No.
3 110063 be reported out of Committee with
4 a favorable recommendation.

5 (Duly seconded.)

6 COUNCILMAN GREENLEE: It's been
7 moved and seconded.

8 All in favor please say aye.

9 (Aye.)

10 COUNCILMAN GREENLEE: Opposed?

11 (No response.)

12 COUNCILMAN GREENLEE: Hearing
13 none, Resolution 110063 is reported out
14 of this Committee with a favorable
15 recommendation.

16 There being no further business
17 before the Committee on Law and
18 Government, thank the members and
19 everyone here. The Committee stands in
20 recess.

21 (Committee on Law and
22 Government concluded at 12:10 p.m.)

23 - - -
24
25

1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on February 24, 2011, and
8 that this is a true and correct transcript of
9 same.

10
11
12
13
14 -----
15 MICHELE L. MURPHY
16 RPR-Notary Public
17
18
19

20 (The foregoing certification of this
21 transcript does not apply to any reproduction
22 of the same by any means, unless under the
23 direct control and/or supervision of the
24 certifying reporter.)
25