

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING AND PUBLIC MEETING
4 BEFORE COUNCIL COMMITTEE ON LABOR & CIVIL SERVICE

5 - - -
6 Room 400, City Hall
Philadelphia, Pennsylvania
Tues., 10/27/98, 10:20 a.m.
- - -

7 Bill No. 960598 - Amending the Retirement System
8 Ordinance, approved December 3, 1956, and the
9 retirement system ordinance approved April 22,
10 1987, as amended, by redefining "average final
11 compensation" for certain employees in positions
12 which cannot be represented by a union by revising
13 the base compensation upon which retirement
14 benefits shall be computed.

15 Bill No. 970212 - amending Section 20-101 of The
16 Philadelphia Code, entitled "Residence
17 Requirements," by providing that former United
18 States military service personnel entering in the
civil service need not be bona fide residents of
the City when appointed, but must establish and
maintain bona fide residence in the City within
six months after appointment.

19 Res. No. 980154 - Authorizing the City Council
20 committee on civil service to conduct hearings and
21 investigations into the diversity apologies within
22 the ongoing reorganization of the City of
Philadelphia Department of Personnel and into the
effect these policies have on city's workforce and
its image. (Withdrawn)

23 PRESENT: COUNCILMAN RICHARD T. MARIANO, Chair
24 COUNCILWOMAN JOAN L. KRAJEWSKI
25 COUNCILWOMAN AUGUSTA A. CLARK
COUNCILMAN DAVID COHEN
COUNCILMAN JAMES F. KENNEY
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN ANGEL L. ORTIZ

- - -
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2 P R O C E E D I N G S

3 COUNCILMAN MARIANO: We're ready to
4 start the public hearing now convened with a
5 quorum of Councilman Cohen, Councilman Mariano
6 (myself), Councilman Kenney, and Councilman
7 Nutter.

8 Clerk, would you please read the first
9 bill.

10 THE CLERK: Bill No. 960598 - An
11 ordinance amending the Retirement System
12 Ordinance, approved December 3, 1956, and the
13 retirement system ordinance approved April 22,
14 1987, as amended, by redefining "average final
15 compensation" for certain employees in positions
16 which cannot be represented by a union by revising
17 the base compensation upon which retirement
18 benefits shall be computed.

19 COUNCILMAN MARIANO: Who's our first
20 witness, Ben Hallyer.

21 MR. HAYLLAR: Good morning. I am Ben
22 Hayllar, Director of Finance and, in that
23 capacity, I serve as Chairman of the Pension
24 Board. With me today is Joe Kidwell. He is here
25 today for Joe Herkness, who is recovering from

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2 minor surgery.

3 We are here to testify on Bill 960598,
4 which would allow non-represented employees
5 overtime to be used in calculation of their
6 pension benefits. Currently, non-reps, hired
7 before October 1, 1992 do not have overtime
8 calculated in determining their annual pension
9 payment benefits once they retire. It should be
10 noted that other employees like police officers
11 and firefighters and members of District Council
12 47 hired between January 9, 1987 and October 1,
13 1992 also who do not have overtime calculated in
14 their pension calculations either.

15 However, in the case of these
16 employees, this is a matter that should
17 appropriately be taken up through the collective
18 bargaining process. However, by their very
19 nature, non-represented employees cannot get
20 overtime used for pension calculations through a
21 collective bargaining process. As a result, we
22 have the unfair situation where a non-represented
23 employee supervises represented employees for whom
24 overtime is calculated in their pension base.

25 It should be noted that non-exempts in

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2 the higher salary ranges (EP22 or above) do not
3 receive overtime; rather, they receive
4 compensatory time, which cannot be calculated in
5 their pension. Therefore, the legislation would
6 apply only to the approximately 532
7 non-represented employees who, in 1996, earned
8 \$3.083 million in overtime. In the past, the
9 Pension Board's actuary calculated that this
10 increased benefit would increase the City's costs
11 to the pension by approximately \$520,000 a year,
12 depending on the amount of overtime issued.

13 Because the City Pension Fund is 50
14 percent funded, the huge unfunded liability
15 requires the City to pay a considerable annual
16 cost of \$238 million a year, or almost 8 percent
17 of its entire General Fund budget. This cost will
18 escalate until the year 2020. At that point, the
19 City will be paying almost 10 percent of its
20 budget into the employees' pension fund. Any
21 increase in benefits such as those proposed in the
22 legislation only increases the cost to the City's
23 taxpayers.

24 In the past, we have opposed
25 legislation of this type because of the increased

20 Thank you.

25 Is there any questions for Mr. Hayllar

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2 from the committee?

3 COUNCILMAN COHEN: Just glad to see
4 that the City wants to correct an injustice
5 and. . . (inaudible, off-mike).

6 MR. HAYLLAR: Thank you.

7 COUNCILMAN MARIANO: Any time injustice
8 is righted, we're happy. Ben makes our day
9 bright.

10 Any other questions from Council of the
11 witnesses?

12 (No questions.)

13 COUNCILMAN MARIANO: Seeing none, going
14 to the next witness. That would be Judith
15 Sammon-Dunn.

16 (Judith Sammon-Dunn comes forward.)

17 COUNCILMAN MARIANO: State your name,
18 please.

19 MS. DUNN: Judith Sammon-Dunn.

20 Good morning. I'm very, very happy to
21 hear of the administration's change. I am here as
22 a board member of the Association of City
23 Management Professional Employees, and I have
24 prepared testimony pointing out a number of things
25 that actually, if you'll bear with me, bear

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2 repeating.

3 Last time around, a couple years ago,
4 we heard testimony that police and fire employees
5 do not have overtime calculated in their pensions.
6 However, in his own testimony, Vito Mattia pointed
7 out that police and fire officers can earn
8 pensions of up to a 100 percent of their final
9 compensation, whereas the rest of us can earn up
10 to 80 percent. And he just distributed to all of
11 us a summary of the benefits which confirms this.
12 This happens to be the earlier plan; later plans
13 have similar differences but accrue at slower
14 rates.

15 Plan J, which was the one included in
16 here covers a great number of employees, and I was
17 surprised to see the exempts appointed in there.
18 However, the only one specifically excluded are
19 non-represented employees, so I am hopeful that
20 you will rectify that situation.

21 Also, another difference between the
22 police and civilians is that police officers can
23 retire at the age of 45 with a pension. Our age
24 is 55 for the first ability to retire. Despite
25 these differences, I have difficulty finding in

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2 the previously submitted information actuarial
3 information that showed the cost of the overtime
4 itself as opposed to showing the cost of what it
5 would do to increase our pensions.

6 Overtime is given to non-employees in
7 training and in entry-level position clearly near
8 retirement or near for the most part in here.
9 High-level officials and Water and Streets
10 Department crew supervisors who have been promoted
11 to a level higher than represented staff now get a
12 big bite out of the pensions, which had they not
13 taken that promotion, it couldn't happen so they
14 would earn less in pension than the people they
15 supervise.

16 So on behalf of all those people, we
17 are asking you, as non-represented people, without
18 collective bargaining, to move forward on this to
19 allow those people to include overtime in their
20 final definition of compensation.

21 And I thank you.

22 COUNCILMAN MARIANO: Thank you, Miss
23 Dunn. Any questions?

24 (No questions.)

25 COUNCILMAN MARIANO: Any other persons

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2 in the chamber here to testify on this bill?

3 (No response.)

4 COUNCILMAN MARIANO: There being none,
5 you're dismissed.

6 Mr. Hayllar, Councilman Cohen wants to
7 ask you a question. Can you come back to the
8 table.

9 (Ben Hayllar returns to witness table.)

10 COUNCILMAN COHEN: Mr. Hayllar, this
11 situation that we're trying to correct today
12 arises out of a policy that the city
13 administration's long had that pensions are a sole
14 matter of collective bargaining.

15 As a result the pension system being
16 different for different groups of city employees,
17 it's always impossible for to us explain why one
18 employee gets a higher pension than another
19 employee, and I want to ask the city
20 administration to give this serious consideration
21 because I think we're going to want to introduce
22 legislation perhaps even before the end of the
23 year that places pensions at the highest level
24 that's been obtained by any one group so that
25 everything can be uniform.

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2 It's terribly difficult for us, when we
3 go out into the community to hear somebody say
4 that one employee gets one pension and another one
5 gets another one. I think that's due to what I
6 believe is a faulty policy of this administration
7 and previous administrations in feeling that only
8 collective bargaining can deal with the question
9 of pensions.

10 So I just wanted to call you back to
11 say we'd like to see you and the administration
12 give consideration to how we can deal with these
13 pensions so that all employees get the same
14 pension. And I would suggest they be at the
15 highest level that the city has committed itself
16 to for any group of employees.

17 MR. HAYLLAR: In regards to uniformity
18 of pensions, most likely before the end of this
19 year, legislation will be introduced that
20 recodifies pensions because of disparities within
21 each of the various pensions. There's actually
22 more than two.

23 And also, as you may know, pension
24 legislation is a collection of ordinances that
25 Council has passed over a number of years. The

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2 recodifying of the pensions takes the hodgepodge
3 put in one document that people can use and read
4 as opposed to a variety of pensions out there.
5 And there will inconsistencies that will be
6 corrected.

7 In terms of the larger issue of whether
8 you wish to increase pension benefits, which is
9 what you're suggesting be done, that's simply a
10 matter of what the city can afford to pay because,
11 ultimately, the increase will be paid for by the
12 taxpayers.

13 COUNCILMAN COHEN: But ultimately, the
14 decision will be made by Council. We in a
15 position to set the policy, and I'm just saying to
16 you, giving you advance notice and the
17 administration that I think there's anarchy that
18 currently exists so that when somebody comes in to
19 talk to us, an employee, we have no way of
20 explaining the differences in the pension. So I'm
21 just urging that when you put everything together,
22 recommendations need to be made to have a uniform
23 system.

24 I don't know, I think maybe it's got to
25 be removed from the bargaining process, but in any

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2 event, I don't think we can tolerate the
3 situation. What's going to happen to the
4 employees who retired, say the county commissioner
5 employees, what's going to happen to those that
6 retired? Is there any method of bringing them
7 up?

8 MR. HAYLLAR: It is prospective not
9 retrospective.

10 COUNCILMAN COHEN: It's also a matter
11 we're going to have to deal with.

12 Thank you, Mr. Hayllar.

13 MR. HAYLLAR: Thank you.

14 COUNCILMAN MARIANO: Councilman Nutter?

15 COUNCILMAN NUTTER: I have questions
16 for Mr. Hayllar.

17 Mr. Hayllar, I just wanted to be sure I
18 understand the particular here. I guess I'll ask
19 you by way of example, if an employee who is to be
20 affected by -- and we can just kind of pick
21 numbers here -- if that persons was a 20-year
22 employee and then sometime in the middle of their
23 career, let's say, that that person makes now
24 \$25,000 a year, but that in the years 10, 11, and
25 12, those three years, 'cause we're going to count

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2 overtime as a part of the calculation in this,
3 let's say that that person made \$35,000.

4 If it is possible to drive \$10,000 to
5 overtime -- let's just take numbers as a result of
6 the bill -- the Pension Board, and let's say for
7 years 13 on through 20, the employee never did any
8 more overtime and went back to \$25,000 a year
9 salary, is their pension calculated on years 10,
10 11, and 12 at the 35 rate? And that would be if
11 they retire in the year 21, their pension would be
12 based on \$35,000 in total? Because that's the
13 average of the three highest years as opposed to
14 the other 17 years when they were at 25.

15 MR. HAYLLAR: That kind of question is
16 why I bought Mr. Kidwell with me.

17 COUNCILMAN NUTTER: Okay, good. Mr.
18 Kidwell?

19 MR. KIDWELL: The answer to the
20 question is yes, provided that years 10, 11, 12
21 occur after the effective date of this bill. Say
22 in the years '80, '81 and '82, that employee's
23 salary was 35,000. That 35,000, under this bill
24 would, not be included in the pension if the years
25 99, 2001, 2001 will be calculated in the pension.

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2 COUNCILMAN NUTTER: So you're not going
3 back to catch your highest years in the past;
4 you're going to allow for years in the future.

5 MR. HAYLLAR: As of the effective date
6 of the bill, yes.

7 COUNCILMAN NUTTER: Okay.

8 MR. HAYLLAR: The answer to that is
9 cost. I don't know how far back we can go because
10 there is an infinite cost going back. I think we
11 can control the costs going forward but not going
12 back.

13 COUNCILMAN NUTTER: Lastly, just in
14 terms of that person's salary in the going-forward
15 years, when they make the additional overtime and
16 that didn't come as part of an increase out of
17 their salary and overtime combination, which I
18 guess is going to be called the total combination
19 for that year? Or is the pension deduction based
20 on what the straight salary is notwithstanding
21 whatever the for year that's a part of the total
22 compensation for that year?

23 MR. HAYLLAR: We think that the
24 contribution remains the same.

25 COUNCILMAN NUTTER: Okay.

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2 MR. HAYLLAR: It's a lot more effective
3 if he answers.

4 MR. KIDWELL: The contribution rate
5 remains the same. The overtime would be factored
6 into the salary in which the contribution is
7 calculated on.

8 COUNCILMAN NUTTER: Okay. And that
9 will all be fully explained to the employees so
10 that they're not surprised during the years that
11 they start seeing extra money coming out of their
12 paycheck?

13 MR. HAYLLAR: Yes.

14 COUNCILMAN NUTTER: And wondering what
15 happened?

16 MR. HAYLLAR: Yes.

17 COUNCILMAN NUTTER: Okay, all right
18 thank you.

19 Thank you Mr. Chairman.

20 COUNCILMAN MARIANO: Thank you. Any
21 more questions.

22 (No further questions.)

23 COUNCILMAN MARIANO: Seeing none, that
24 brings us to the next witness, Tom Mattia.

25 (Comes forward.)

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2 MR. MATTIA: Good morning, ladies and
3 gentlemen. To give you a little example --

4 COUNCILMAN MARIANO: Mr. Mattia, that's
5 V. Mattia? V. M-A-T-T-I-A.

6 MR. MATTIA: Right.

7 COUNCILMAN MARIANO: And the V stands
8 for Vito?

9 MR. MATTIA: "Victory," I hope.

10 To give you a good example, we were
11 here in '96, December when we brought this up. In
12 my title, if I go out today, I go out with
13 \$32,869. My secretary would go out with \$39,856.
14 My mechanic would go out with \$38,586. My group
15 leader would go out with there 47,386.

16 So my group leader would go out with
17 \$15,000 more than me, my secretary go out with
18 \$17,000 more than me, and the mechanic would go
19 out with \$6,000 more than me. That's very, very
20 unfair.

21 I've had the responsibilities. All my
22 positions have had the responsibility. It's
23 similar to the World Series but a little
24 different. In the World Series, in the seven
25 game, if it rains, you go to the next day. But in

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2 my position, those machines must be out and put in
3 place no later than 6 a.m. on Election Day and
4 then they're returned to the warehouse.

5 Now, actually, in 1993, when Councilman
6 Blackwell introduced it, and in '96, when we had
7 the hearing, they were talking about taxpayers'
8 money, true, but is it fair? This is only in my
9 department. We go in other departments like the
10 City Commission, and they'll be getting 10, 11,
11 \$12,000 more, and their responsibilities are
12 nothing compared to mine, believe me.

13 So anything the Council can do, I
14 really would appreciate it. Thank you.

15 COUNCILMAN MARIANO: Thank you Mr.
16 Mattia.

17 Any questions from the committee?
18 Council Cohen?

19 COUNCILMAN COHEN: Mr. Mattia, do you
20 understand that the bill before us only looks to
21 the future.

22 MR. MATTIA: I --

23 COUNCILMAN COHEN: In other words, for
24 you to get the full benefits of this bill -- and
25 that's for everybody here -- you would have to

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2 work for the next three years.

3 Personally, I would like for you to
4 stay there because of the superlative job you do
5 and I'm grateful for the many years you've done
6 it. There those of us who are politically
7 dependent on the fine work you and your department
8 in getting machines those out there on time, but I
9 wanted you to be aware that things forward.

10 MR. MATTIA: And it won't benefit me.

11 COUNCILMAN COHEN: And I have questions
12 as to how fair that is. I don't understand why it
13 is not effective retroactively to cover any
14 employees. That's something we'll deal with later
15 on.

16 MR. MATTIA: It will not benefit me,
17 Councilman. I don't see why they can't start in
18 '96 when the committee had a hearing.

19 COUNCILMAN COHEN: You make a very good
20 point.

21 MR. MATTIA: Thank you.

22 COUNCILMAN COHEN: Thank you.

23 COUNCILMAN MARIANO: Any other
24 questions for Mr. Mattia?

25 (No questions.)

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2 COUNCILMAN MARIANO: Seeing none, we'll
3 go to the next witness.

4 MR. MATTIA: Thank you.

5 COUNCILMAN MARIANO: Thank you.

6 Mr. Crapper.

7 (John Crapper comes forward.)

8 MR. CRAPPER: Good morning. My name is
9 John Crapper, C-R-A-P-P-E-R. I am the Chairperson
10 for the Association of City Managers.

11 I thank the administration for their
12 support in recommending that you might pass this
13 ordinance and this bill, but I'm disappointed
14 because the organization has been fighting for
15 many years to undo the inequities of these
16 administrations, not only present administration
17 but the ones previous to it.

18 I would suggest to City Council at this
19 time, this committee, that you might take back --
20 that this bill might be retroactive at least three
21 years back. I do not understand why certain
22 employees of the City of Philadelphia who have
23 been faithful and diligent in their work should be
24 treated unfairly because we're not represented by
25 an organization who has the right to bargain for

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2 those employees.

3 I thank you for all that you have done
4 in the past but I'm looking forward to this City
5 Council to nod only do the fair and right thing by
6 us because we are the employees of you and the
7 citizens, but also we are taxpayers and voters in
8 this city. We only ask for what is right and
9 equitable -- not fair but equitable -- so that we
10 can begin to have the retirement to enjoy the
11 benefits that other employees have the right to
12 enjoy.

13 This bill in its present state is fair.
14 But it's not equitable because it's not putting it
15 back where we can receive some funds from our
16 previous years of employment. The majority of our
17 city non-represented representatives are close to
18 retirement. I have 33 years and go out next
19 year. At the most, I will go out at 35 years of
20 service. So we have a vested interest in this
21 bill.

22 For us to sit here today and see that
23 the bill will become effective, once you have
24 passed it, it will probably be of no value to
25 employees who are not represented. We would like

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2 to see equitable legislation that would apply to
3 all of the citizens who are employees of the City
4 of Philadelphia.

5 I thank you for your support and look
6 forward to your support in the future. And I hope
7 you will do the fair and equitable thing by this
8 association. Thank you.

9 COUNCILMAN MARIANO: You said it
10 wouldn't be fair to people, unless I misunderstood
11 you, from this point on. As I understand it --
12 this is for the record now.

13 MR. CRAPPER: Right.

14 COUNCILMAN MARIANO: Thank you. Any
15 questions? Councilman Cohen?

16 COUNCILMAN COHEN: As I understand, Mr.
17 Crapper, if any folks here that are affected by
18 this bill, if they stayed on the payroll for three
19 more years, then this bill would give them the
20 full rights and would clear the situation. The
21 problem for current employees is that if they
22 retire in less than three years, they would not
23 receive the full benefits of this bill. If they
24 stayed there two years, they would get two thirds
25 of the benefits of this bill because this bill is

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2 merely prospective, so that the overtime would be
3 counted for pension purposes beginning with the
4 effective date of this bill. That's a good step
5 forward in correcting long-existing inequity. I
6 think we should write a proposal that it ought to
7 be effective for all current employees, and it's
8 not going to cost the City a penny in the next
9 three years. This is a clear injustice to any
10 current employee retiring in less than three years
11 if it's not made retroactive.

12 MR. CRAPPER: That's correct.

13 COUNCILMAN COHEN: Am I clear on that?

14 MR. CRAPPER: Yes.

15 COUNCILMAN COHEN: Thank you.

16 COUNCILMAN MARIANO: Any other
17 questions any other.

18 (No questions.)

19 COUNCILMAN MARIANO: Seeing none, thank
20 you.

21 MR. CRAPPER: Thank you.

22 COUNCILMAN MARIANO: That seems to be
23 all the testimony for this bill.

24 We'll now move on to the next bill,
25 Bill 970212. The clerk will please read the title

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2 of the bill.

3 THE CLERK: An ordinance amending
4 Section 20-101 of The Philadelphia Code, entitled
5 "Residence Requirements," by providing that
6 former United States military service personnel
7 entering in the civil service need not be
8 bona fide residents of the City when appointed,
9 but must establish and maintain bona fide
10 residence in the City within six months after
11 appointment.

12 COUNCILMAN MARIANO: At this time the
13 chairman would like to recognize Jim Kenny.

14 COUNCILMAN KENNEY: Thank you, Mr.
15 Chairman.

16 I wanted to say for the outset that I
17 recognize today that an amendment must be made to
18 the title of the bill that would require me to
19 introduce a new bill on Thursday, including those
20 changes.

21 The change was primarily pointed out by
22 the administration, and I happen to agree with
23 it. In the title, it says "former" United States
24 military personnel, and that could apply generally
25 to any veteran of any period of time, and that was

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2 not the intent of the bill.

3 The intent of the bill -- that's why
4 the term needs to be changed to "active" so that
5 the Police Department and, hopefully, other
6 departments of the city can recruit active
7 military personnel. So, again, change needs to be
8 made to the title.

9 Therefore, Thursday, a new bill will be
10 introduced but I'm asking the Chair to allow for
11 testimony from the Police Commissioners, who's
12 here now, and that we accept his testimony without
13 taking action.

14 COUNCILMAN MARIANO: I don't see a
15 problem with that, Councilman. Any objections
16 from my colleagues?

17 (No objections.)

18 COUNCILMAN MARIANO: The first witness,
19 Commissioner Timoney.

20 (Commissioner Timoney comes forward.)

21 COUNCILMAN MARIANO: Commissioner,
22 please state your name for the record.

23 COMMISSIONER TIMONEY: Yes, John
24 Timoney, T-I-M-O-N-E-Y. Police Commissioner of
25 Philadelphia.

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2 COUNCILMAN MARIANO: This bill 970212,
3 I think you know what it's about.

4 COMMISSIONER TIMONEY: Yes.

5 COUNCILMAN MARIANO: If you'll proceed
6 with your testimony on it, please.

7 COMMISSIONER TIMONEY: Good morning,
8 and thank you for allowing me to testify on behalf
9 of 970212. This bill would assist the City of
10 Philadelphia in our efforts to recruit the best
11 possible candidates as future police officers for
12 the Philadelphia Police Department.

13 Presently, there is a national problem
14 facing police departments in their attempts to
15 recruit the best-qualified to serve as police
16 officers. A side effect of a prolonged economic
17 boom is that police departments nationwide are
18 finding it increasingly difficult to compete with
19 the private sector in recruiting and hiring. As
20 the economy grows, so does the demands for a
21 talented workforce. Therefore, fewer people are
22 interested in becoming police officers in these
23 good economic times.

24 Recently, New York City faced this
25 exact problem. Where it was common in the past

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2 for more than 40,000 applicants to sign up for the
3 police entrance exam, in New York, only 4,000
4 applicants applied for the exam this year. This
5 is despite the fact that New York's lenient
6 residency allows officers to live in a number of
7 surrounding suburban counties, and a new recruit
8 doesn't even have to establish residency in any
9 one of those counties before being hired.

10 In Philadelphia, the problem's even
11 more pronounced. There were only 2300 applicants
12 who sat for the last police officer entrance exam
13 on July 25th of this year. This number is down
14 from the 3700 applicants who took the exam each of
15 the 2 previous years. In fact, 10 years ago, it
16 was common for 10,000 or more applicants to take a
17 Philadelphia police officer exam. When you
18 consider that only 10 percent of those who take
19 the exam are ever hired, it's clear that we are in
20 a policing hiring crisis.

21 I understand and support the reasons
22 for requiring Philadelphia police officers to live
23 in Philadelphia. It is desirable that officers
24 have a personal stake in the city for which they
25 work. It is also beneficial to the tax base and

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2 the city's economy that city employees live in
3 Philadelphia. I also understand the strong
4 feeling that city jobs should be available for
5 city residents. City jobs should be available to
6 the local kids as they grow up, and the residency
7 requirement provides incentives for these kids to
8 stay in Philadelphia and raise their own families
9 here. For these reasons, I do support the
10 residency requirement. However, I also think that
11 this bill will only enhance these reasons.

12 As the law presently stands, the police
13 departments cannot realistically recruit officers
14 from outside the city limits. If a qualified
15 candidate is found outside the city, on a military
16 base or college campus, he or she can't become a
17 Philadelphia police officer until he or she has
18 lived in the city for one year. It is doubtful
19 that this person could find any serious employment
20 in the interim when the employer knows that the
21 person will be leaving for the Philadelphia Police
22 Department in a year. And it is not realistic to
23 ask a qualified candidate to pump gas or work in a
24 deli for a year before we hire them.

25 COUNCILMAN ORTIZ: Not that there's

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2 anything wrong with pumping gas or working in a

3 deli.

4 COMMISSIONER TIMONEY: There's nothing

5 wrong with pumping gas or working in a deli,

6 you're right.

7 COUNCILMAN ORTIZ: I'm just making

8 clarification, that's all.

9 COMMISSIONER TIMONEY: By the way,

10 there's also nothing wrong with washing dishes,

11 because I did that for four years prior to working

12 for the New York City Police Department.

13 Any way, the police department and all

14 other city agencies end up competing with one

15 other and the private sector from a limited pool.

16 So by permitting the Police Department

17 to recruit from the ranks of those who have

18 honorably served in our nation's armed forces,

19 this bill will significantly increase the pool of

20 qualified candidates. Military personnel often

21 make ideal police officers. By their nature and

22 training, military personnel are dedicated

23 individuals. And they have demonstrated their

24 dedication to civic duty by their service. By

25 virtue of the military organization and rank

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2 structure, these individuals understand the need
3 and the requirement of discipline. These
4 individuals are also proven workers, as their
5 honorable discharges attest to.

6 Since the military determines where a
7 serviceman's home is during course of active duty,
8 residency is not a matter of choice for these men
9 and women. The military installs maturity,
10 experience, and pride of service to others, and
11 these are ideal qualities for the future of
12 Philadelphia police officers. These are also
13 ideal qualities for the type of people we want to
14 move into the City of Philadelphia, and we should
15 welcome them as productive new citizens of
16 Philadelphia.

17 Therefore, it is for these reasons that
18 I urge you to support Bill no. 970212, as amended,
19 to ensure that the residency exemption applies to
20 only those individuals in active military service.

21 Thank you, ladies and gentlemen. And
22 any questions I'll be glad to field.

23 COUNCILMAN MARIANO: Thank you
24 Commissioner.

25 Councilman Cohen?

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2 COUNCILMAN COHEN: Commissioner, I hear
3 your testimony. It's very persuasive, but I want
4 to address some questions.

5 Have you in your relatively brief
6 period as Police Commissioner had an opportunity
7 to review the outreach programs of the Police
8 Department? I just find it very difficult to
9 understand that in a city this size that we don't
10 have enough qualified applicants. And my belief
11 is that the City does have more than enough
12 qualified applicants, but that somehow or another,
13 we are not reaching out to them.

14 And I'm wondering -- I know you've had
15 all kinds of problems -- whether you've had an
16 opportunity to study those outreach programs and
17 see if they can be improved upon, because I feel
18 there are many, more qualified applicants from the
19 City of Philadelphia.

20 COMMISSIONER TIMONEY: You're
21 absolutely right, there are plenty of qualified
22 applicants in the City of Philadelphia. In fact,
23 so many that Washington D.C. and Baltimore are
24 recruiting them. Chuck Ramsey in Washington D.C.
25 is actively recruiting in this city.

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2 The issue isn't that there aren't
3 enough qualified candidates, but by going to
4 military bases, we can expand that pool to enlarge
5 the pool of qualified applicants. You know, there
6 is a hiring crisis in policing across the nation,
7 across the nation.

8 Can we improve our recruitment unit?
9 Absolutely. We are in the process now of
10 revamping all recruitment units within the
11 Philadelphia Police Department. It's a job we're
12 doing presently. But even if we had a top-notch
13 recruitment unit, we would still run into a
14 problem of competing with not just with other city
15 agencies, not just with the private sector, but
16 with police departments as far away as, I
17 guarantee you, New York.

18 New York cancelled its exempt
19 requirement when there wasn't enough applicants a
20 month ago. It's all over the United States. A
21 month ago, I was at a conference of major city
22 police chiefs in June, and this discussion came up
23 with the major city chiefs. Only one said that he
24 had no problems getting applicants. That was the
25 police chief out in Los Angeles who didn't seem to

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2 have the problem that the rest of us are having,
3 whether it's Chicago, Boston, Philly, New York.

4 And since the economy doesn't look like
5 it's slowing down, I don't expect the prospects to
6 get any better. So at a minimum, we need to
7 enlarge the pool of candidates not because there
8 aren't enough qualified, but we need to enlarge
9 the pool when people in this economy have so many
10 other options at the present time.

11 COUNCILMAN COHEN: I just have
12 difficulty reconciling two of your statements.

13 COMMISSIONER TIMONEY: Okay.

14 COUNCILMAN COHEN: You say there are
15 enough qualified candidates. But nonetheless, it
16 is difficult, when you go out into the community
17 where there's large-scale unemployment.

18 COMMISSIONER TIMONEY: Right.

19 COUNCILMAN COHEN: And you hear them
20 say, Well, we have so many unemployed, why can't
21 we fill these jobs? Maybe they need extra
22 training, maybe they don't, I don't know what the
23 circumstances are.

24 But, you know, it's sometimes viewed as
25 a kind of slap in the face to Philadelphia

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2 residents to say that they can't produce enough
3 qualified applicants and, therefore, we have to go
4 outside the walls of Philadelphia. You know, we
5 fight very hard to make sure that all Philadelphia
6 residents get a fair shake at the jobs.

7 COMMISSIONER TIMONEY: Right.

8 COUNCILMAN COHEN: So I urge you to
9 examine in any way you can the possibility of how
10 to increase the applicants from the ranks of
11 people who have been living right here in
12 Philadelphia and whose families may have been here
13 for many generations.

14 COMMISSIONER TIMONEY: Right.

15 COUNCILMAN COHEN: There's got to be a
16 way in a city of million and a half people to
17 produce applicants, good applicants that will make
18 excellent police officers. There's got to be a
19 way of reaching those folks, even if we may have
20 to take special steps to find them.

21 COMMISSIONER TIMONEY: Yes.

22 COUNCILMAN COHEN: Thank you, Mr.
23 Commissioner.

24 COUNCILMAN MARIANO: Councilman Ortiz?

25 COUNCILMAN ORTIZ: Commissioner,

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2 following up on what Councilman Cohen is saying.
3 The aspect -- and as a person who philosophically
4 believes in expanding the pool and opening up the
5 boundaries of where we can recruit from and not
6 recruit from.

7 However, in this city, there's a
8 problem with diversity within the Police
9 Department and its ranks in terms of its
10 supervisors and so on and its promotion aspects.
11 But with diversity, the police department can
12 really begin to look like what the city looks
13 like, and we've had a problem, one, with
14 recruitment of minorities, with minorities taking
15 the police exam, the polygram, and all of that.

16 And we have -- I have held hearing and
17 I have spoken about it and other Council folks
18 have spoken about it, that we need to reform that
19 process of hiring and then putting our folks out
20 into the act and into that process. But how do we
21 assure diversity in recruitment aspects within the
22 city?

23 And, two, how do we assure that the
24 process, again, is open and has been reformed, the
25 process of testing, the process of going through

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2 the whole application process that's -- those are
3 things, I think, that need to happen if not before
4 we implement something along these lines
5 concurrently.

6 COMMISSIONER TIMONEY: Well, I mean if
7 you're taking about recruiting more minorities, I
8 think probably the greatest example of an
9 institution that is without pressure and has
10 really been a model of diversity, I don't think
11 you can get a better model than the U.S. Army, you
12 just can't. Excuse me, I'm going to answer your
13 question. I'm talking about how this bill
14 addresses recruiting on a military base where
15 there would be a large minority pool.

16 As to the second part of your question
17 which deals with fairness of the application
18 process, your points are well taken. I have
19 previously spoken frankly on this issue, saying
20 that I believe that a police force should and must
21 reflect the community in which it serves. I am
22 dedicated to that.

23 However, I have said from day one, when
24 you're talking about a lack of minorities within
25 the rank structure, you have to allow the Police

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2 Commissioner leeway in picking supervisory ranks
3 and so if you're willing to help out in that
4 regard, thank you very much.

5 COUNCILMAN ORTIZ: You and I agree
6 along those lines. I don't think we have a
7 problem, but I think there is a problem in terms
8 of the recruitment aspect. And since the bill
9 speaks for the civil service, not just the Police
10 Department, you know, we have had during the last
11 six years -- and I'm speaking in term of Latinos
12 in the city government, there's actually been a
13 decrease of Latinos employed within the civil
14 service ranks in terms of city government.

15 So obviously, the City of Philadelphia
16 is not putting forward a program to reach out to
17 all it's citizens. And I'm all in favor of trying
18 to do that. I just want to establish a system
19 that takes into account this situation and
20 requires the diversity aspect.

21 COMMISSIONER TIMONEY: Your point is
22 well taken, and I don't disagree with it.

23 Back in May when we opened up
24 applications, I think there were five officers and
25 a sergeant assigned to the recruitment union. Two

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2 of those officers were Hispanic. I trained and
3 assigned an additional two Hispanic officers,
4 bringing the complement to four in the recruitment
5 union. I'd like to go out specifically to the
6 Hispanic community to recruit there because I
7 think there is a dire need to get more Hispanics
8 in the Philadelphia Police Department, so I have
9 no disagreement with you.

10 COUNCILMAN MARIANO: Thank you.

11 Councilman Cohen?

12 COUNCILMAN COHEN: Let me speak as a
13 World War II veterans who spent two years in the
14 South Pacific. I went to the army from the
15 Midwest because the federal agency for whom I was
16 serving as an attorney had moved during World War
17 II, at the beginning, to St. Louis, Missouri. I
18 went into the army there and I have some question
19 as to whether or not, in fact, army folks are
20 necessarily the best recruits. It really depends
21 on where they come from.

22 The unit I entered and stayed with
23 through my army career happened to consist mostly
24 of farm folks. And I'm not sure they would make
25 good police officers in an urban setting.

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2 COUNCILMAN NUTTER: Councilman, I'm
3 sorry. Just a technological problem. Are you
4 saying "foreign" or "farm"?

5 COUNCILMAN MARIANO: Farm.

6 COUNCILMAN COHEN: F-A-R-M.

7 COUNCILMAN MARIANO: I thought he said
8 "foreign."

9 COUNCILMAN NUTTER: Midwest farmers.

10 COUNCILMAN COHEN: These were nice
11 young fellows, but they knew nothing about the
12 cities, they thought cities were the center of
13 Satan and just knew nothing about city life.

14 COUNCILMAN ORTIZ: But then when we
15 were in the army, most of the country was foreign.

16 COMMISSIONER TIMONEY: Glad you brought
17 that up.

18 COUNCILMAN COHEN: Did you say "farm"
19 or "foreign?"

20 COMMISSIONER TIMONEY: You're showing
21 your parochial bias there in both of your
22 questions.

23 COUNCILMAN COHEN: I was showing what?

24 COMMISSIONER TIMONEY: A parochial
25 bias.

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2 COUNCILMAN COHEN: Well, it's parochial
3 in the whole concept of community police. Unless
4 you say community policing is a parochial concept,
5 I don't think I'm showing a bias.

6 I've been in the Council since the
7 sixties, and during that time, I went through the
8 period when the police department said walking the
9 beat was a waste time, that we should have
10 motorized units. In driving through the area, you
11 cover much more ground. Well, it's true that they
12 covered much more ground but they lost a lot of
13 contact with people in the community.

14 And I've attended meeting after meeting
15 where they discussed the need for having community
16 policing and the need to have folks in the
17 Philadelphia Police Department that didn't feel
18 that they're in a strange environment when shifted
19 from one part of the city to another.

20 And I also think there's a question
21 about whether the military service renders
22 somebody who's well qualified for policing. I
23 think it's one aspect, but I think we basically
24 need people who know how to treat ordinary folk in
25 the cities, who are mostly overwhelmingly

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2 civilians.

3 For all these reasons, we want to have
4 the best possible police force. But as Councilman
5 Ortiz said, it's got to represent the face of the
6 city and the people have to welcome the police,
7 and the police have to feel at home in an urban
8 environment.

9 Thank you.

10 COUNCILMAN MARIANO: Thank you.

11 Councilman Kenney?

12 COUNCILMAN KENNEY: Thank you very
13 much, Mr. Chair.

14 As the sponsor of the bill, I just
15 wanted to make a few comments relative to the
16 intention of the bill. In the recruitment area, I
17 do agree with Commissioner Timoney and the
18 administration that we need to enlarge the pool of
19 qualified applicants. That doesn't mean there
20 aren't enough qualified applicants, but the better
21 the applicant, the better the police officer. The
22 more qualified the applicant, the more qualified
23 the police officer.

24 The main goal for me in introducing
25 this bill -- and Councilman Cohen mentioned that

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2 we have a city of 1.5 million people. I would
3 disagree with that; I think we are now a city of
4 about 1.3 million people. And if the statistics
5 are correct, it's an ever-declining number.

6 So I would like to use employment
7 opportunities, not only in the Police Department
8 at every level, to not only seek out and find the
9 best people, but to also get the double benefit of
10 having prospective officers moving their families
11 into Philadelphia.

12 For example, if a person of a minority
13 or non-minority background become a police officer
14 or a member of the fire department or anywhere
15 else, they can move their family from South
16 Carolina, say, up to Philadelphia, to South
17 Philadelphia, Mt. Airy or the Northeast. Not only
18 do we get the most qualified applicant available,
19 but we get a new family to move into our city. I
20 think that's one of the major reasons why I did
21 the bill in the first place.

22 Secondly, the diversity issue. I agree
23 with Councilman Ortiz that the Philadelphia Police
24 Department and the city employment generally needs
25 to be reflective of the types of ethnic

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2 backgrounds and races of people who live here. As
3 the Commissioner said in response to Cohen's
4 question, the military is a place where minority
5 individuals have the best opportunity to succeed
6 and move ahead, regardless of the color of their
7 skin.

8 On the matter of merit, that's how
9 people rise up through the ranks. A person for
10 example, like Colin Powell is a perfect example of
11 the way the military -- even though during World
12 War II times it was terribly segregated -- black
13 and Latinos can really succeed. I think we'll be
14 getting a wonderful opportunity to get very good
15 qualified people and have them move good,
16 qualified families into our city neighborhoods, to
17 become contributing members of our city.

18 I wanted to say that as the sponsor of
19 bill. Again, we won't be taking action today, but
20 I just wanted to get this into the record.

21 COUNCILMAN MARIANO: Thank you.

22 Any other questions? Councilman
23 Nutter?

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

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2 Commissioner, one item has to do with a
3 previous statement you made that I wanted to make
4 sure the record clear was for us, not to have a
5 debate.

6 You made mention of the U.S. military
7 being a model organization of diversity and, in
8 particular, the U.S. army. I think was your
9 statement --

10 COMMISSIONER TIMONEY: What I'm saying
11 is that almost in the last 10, 15 years, they've
12 had diversity almost on a voluntary basis.

13 COUNCILMAN NUTTER: Well, improved. I
14 mean, I read some history books one time where it
15 said there was problems in the U.S. military and
16 workforce.

17 COMMISSIONER TIMONEY: I recognize that
18 that was the late forties, early fifties. But I'm
19 talking in the last 20 years, it's harder to find
20 a better institution within this country
21 voluntarily through own affirmative actions.

22 COUNCILMAN NUTTER: We'll move that to
23 the side. Let me ask this question: What efforts
24 do we make today to have any contact with any of
25 the various military operations that are either in

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2 the city or near the city or various recruiting
3 officers, you know, whether they just do intake or
4 never see folks on their way back out or coming
5 back into civilian life, but what do we do with
6 regard to college and units in the city or nearby
7 suburbs today? What are our recruitment efforts
8 there.

9 COMMISSIONER TIMONEY: I asked that
10 point and the answer was not satisfactory. No
11 matter what happens in regards to legislation, the
12 recruitment unit needs to be completely revamped,
13 and those issues will be addressed.

14 COUNCILMAN NUTTER: I hear that either
15 by newspaper accounts or one completely
16 independent, one entity that's housed within the
17 Police Department that indicated that there are
18 problems in recruitment, not just by way of
19 applicant pool, but you've got race issues. And
20 the test itself is in question.

21 You did raise the issue and I think we
22 happen to share same opinion about your ability or
23 inability to move people especially at the
24 captain-and-above level. I've shared this with
25 Councilman Kenney. We don't have a big dispute in

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2 between us.

3 But I would probably be much more open
4 to this discussion and other discussions in an
5 environment after I know what your plans are, not
6 only for the recruitment union but what you
7 think. I've read your comments but I'd like to
8 know where you really are on raising the
9 recruitment age, what we are doing with the tests,
10 what have we done with the recruitment union, are
11 there cutoff points, do you not take people who
12 tested below a certain level.

13 I mean, there are probably a dozen or
14 so issues. This is just one of them and an
15 important one, but you've got a whole array of
16 things that impact on your ability to run the
17 department. My concern is that this one issue is
18 being dealt with in isolation as compared with
19 most of the other issues. And quite honestly, I'd
20 be more interested in discussing them as a whole.
21 It seems to me they all affect each other.

22 COMMISSIONER TIMONEY: Certain things
23 are completely within my purview, so I am moving
24 along things within my purview, regardless of what
25 happens in other parts of the city. Where I'm the

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2 sole purview, I'm raising the educational
3 standards at the academy, and it will affect the
4 new class coming in November 16th. This class I
5 will personally speak to in regards to what would
6 be expected of them.

7 COUNCILMAN NUTTER: What are you
8 changing, their physical requirements?

9 COMMISSIONER TIMONEY: Right, and the
10 educational requirements of the Academy's class
11 will be expanded by some weeks. The way they're
12 trained will be different.

13 COUNCILMAN NUTTER: Okay. Your
14 response to one of my colleagues was also that
15 Baltimore and Washington are up here trying to
16 recruit some of our folks.

17 COMMISSIONER TIMONEY: Right.

18 COUNCILMAN NUTTER: Do you have any
19 particular details on their success and what it is
20 that they're offering or chasing after that we
21 apparently are not offering? I mean, are we
22 losing people to those places?

23 COMMISSIONER TIMONEY: This came up in
24 a discussion in June, and it was kind of --

25 COUNCILMAN NUTTER: Maybe they were

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2 just trying to make you nervous.

3 COMMISSIONER TIMONEY: There was a good
4 deal of bantering. Tom Frazier, who's a good
5 friend of mine, and Chuck Ramsey, I mean we've
6 been aware of this for the last year and a half.
7 When I say "we," I mean people in policing have
8 been aware of this crisis that's been developing.
9 And if you look at the numbers, they're pretty
10 consistent all over, and the numbers are also
11 consistent that no matter how you increase the
12 pool, you usual wind up, from city to city, hiring
13 one out of ten. That seems to be the general
14 rule, one out of nine here, one out of ten in New
15 York.

16 So you really need to pull backwards.
17 So, for example, just doing the numbers, if only
18 2300 people took the exam, we were looking to hire
19 400 off that list, we only wind up with 230
20 candidates. New York City is lucky to hire 2,000
21 officers. To get that number, they needed at
22 least 20,000 applicants. They got 4,000, so they
23 came up with 1600 short.

24 COUNCILMAN NUTTER: My last question
25 for today. At some point in time, Commissioner, I

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2 think it would be very helpful to me and my
3 colleagues, if not the public at large, if you
4 would be in a position to give any kind of
5 response even in, I guess, an executive summary
6 fashion to either or both the recent reports that
7 came out both by the Committee of 70 and the
8 Integrity Accountability Office, whether on a
9 particular item of discussion or other issues that
10 have been raised in those reports.

11 COMMISSIONER TIMONEY: I think the
12 appropriates forum for that would be an executive
13 session.

14 COUNCILMAN NUTTER: Fine, thank you.

15 COUNCILMAN MARIANO: Thank you,
16 Councilman.

17 Any other witnesses or do any other
18 Councilpeople want to talk to this witness?

19 (No response.)

20 COUNCILMAN MARIANO: If not, thank you,
21 Commissioner. Thanks for coming.

22 COMMISSIONER TIMONEY: Thank you.

23 COUNCILMAN MARIANO: Our next witness
24 is -- we'll call Ken Rocks or Rich Costello.

25 MR. ROCKS: Good morning, Mr. Chairman,

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2 Members of City Council, committee members, my
3 name is Kenneth Rocks. I'm the Vice President of
4 the Fraternal Order of Police.

5 COUNCILMAN MARIANO: For the record,
6 Councilwoman Clark has just entered the chamber.

7 MR. ROCKS: What I bring here with me
8 is 27 years of experience as a Philadelphia police
9 officer, 48 years of experience as a resident of
10 this city, lifelong. I was educated in the
11 schools here, the parochial schools. And I served
12 in the military.

13 What I want to do is in ways disagree
14 with Councilman Cohen. Because I went into the
15 service in 1967. I got out in 1970 as a member of
16 the 82nd Airborne Division, served overseas,
17 served in Vietnam for a period of 18 months, went
18 back and returned to the 82nd Airborne Division.

19 It was from active recruiting in the
20 82nd Airborne Division that I got personal
21 knowledge of major cities throughout the country
22 -- Chicago, Houston, Dallas, Texas, Washington
23 D.C., Baltimore, Maryland. I served on the U.S.
24 Marshals FBI Border Patrol, the 82nd Airborne
25 Division, and was employed in various law

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2 enforcement functions.

3 I chose to come back to Philadelphia
4 and start a law enforcement career. The training
5 we received not only was in a combat, but in April
6 of 1968, as part of the 82nd Airborne Division, I
7 moved into Washington, D.C. to help control riots
8 that occurred there as a result of the death of
9 Martin Luther King, so we were trained not only in
10 combat operations, jungle conditions, cold weather
11 areas, mountain training, but we also trained for
12 riot control. So that disspeles the theory that
13 Councilman Cohen had.

14 But in the military, in law enforcement
15 functions, combat, arms, and all administration
16 functions, it's just like a city within a base. A
17 military base is similar to that of a city, and I
18 think that the City of Philadelphia and its
19 citizens could seek the best from the military,
20 because right now, we have good recruits but we're
21 always trying or striving to seek better and
22 ultimately get the best in the Philadelphia Police
23 Department.

24 You're losing focus of what the mission
25 of this department is. You're going to hire

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2 people who are going to be charged with the
3 responsibilities to protect life and property.
4 More importantly, under certain conditions of the
5 law, they would have the right to take that life,
6 and that's a very, very big responsibility that we
7 have. We have the right under the law to stop
8 somebody's freedom, and that's something that's
9 precious.

10 And from my military background, I know
11 how precious freedom is because of the military
12 history where we have strived and fought to
13 protect the freedom that we have and enjoy not
14 only here in Philadelphia, but in this great
15 country of ours.

16 The quality and quantity of recruits
17 I've experienced in my lifetime in this city, I'm
18 seeing serious reduction of citizens in this city
19 since 27 years since I started as a police officer
20 at 55th and Pine, I've seen a decline in the
21 population. When you see a decline in the
22 population, you see a decline in the work pool.
23 And if we just want to hire unemployed, we'll just
24 put a badge on them, put a gun on their hip, and
25 charge them with the responsibility to enforce the

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2 laws.

3 I think we're all being short-sighted
4 because it's not about employing the unemployed;
5 it's about hiring the best possible people. And
6 if we don't hire the best possible people in this
7 recruitment process, both within the city and
8 outside the city, I would even advocate not only
9 going to the military, but also going on college
10 campuses because at the University of
11 Pennsylvania, we have people that come to this
12 fine institution from all over the country, and
13 they don't get credit for their time on that
14 college campus as residency because, just like the
15 military, you have a home of record that you have.

16 So this is an opportunity that we could
17 seek the best. Not that we're not getting good
18 people -- we are getting good applicants, but
19 shouldn't with we try to improve the better?
20 That's one of the things that I heard the
21 commissioner talk about, the recruitment process,
22 the training process. But the thing that I bring
23 to this Council in my testimony is not a prepared
24 statement; I bring my experience as a citizen, I
25 bring my experience as a police officer, and I

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2 bring my experience as a representative of those
3 police officers.

4 Every time I pick up the paper and read
5 the criticisms of the existing police officers we
6 have, I cringe because if we're criticizing our
7 police department, our police officers as to the
8 quality of their performance, then we should hold
9 someone accountability because who hired these
10 individual? And if these individuals are so bad,
11 why are they still there? And what have we done,
12 if anything, to improve them over the years? What
13 have we done to improve the training.

14 We ask for more time so that we're able
15 to reject 'em easier. Rejection is failure. And
16 are we going to continue to fail?

17 And as a military person, and I see the
18 need for that personal discipline, the internal
19 discipline of the police department being a
20 quasi-military organization requires you don't ask
21 somebody to do something in a combat situation.
22 And more and more, we're seeing our officers are
23 thrust into those situations.

24 The dangers on the streets are ever
25 increasing. There's more police officers that are

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2 being fired upon than when I was a young police
3 officer. And I was trained how to react when
4 fired upon. But more and more of these
5 individuals are not. And it would bring a better
6 quality of individual.

7 And as Councilman Kenney said, I think
8 the whole idea is, is to relocate people here
9 because we have -- I believe at one time when I
10 come on the police department, we had over two
11 million people. I remember riding around in this
12 city in a police car when they were read and not
13 seeing as many abandoned houses as we see now. I
14 remember handling jobs in certain neighborhoods in
15 North Philadelphia, where people lived there when.
16 And I ride down those same streets today and I see
17 the vacant houses.

18 So somewhere along the line, we're all
19 not doing something right. And this may not be
20 the answer to everybody's question because we do
21 approve in the Fraternal Order of Police of the
22 diversity of the people. It's important that we
23 have Spanish-speaking officers dealing with
24 Spanish-speaking citizens because it --

25 COUNCILWOMAN CLARK: And with

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2 everybody.

3 COUNCILMAN ORTIZ: With everybody.

4 COUNCILWOMAN CLARK: With everybody.

5 MR. ROCKS: Pardon?

6 COUNCILMAN ORTIZ: With Spanish-speak
7 officers and dealing with everybody.

8 MR. ROCKS: Well, that too, that too.

9 I was getting to that Councilman. Thanks for
10 correcting me and speeding me along in my
11 testimony.

12 COUNCILMAN ORTIZ: Excuse me. I have
13 to go.

14 COUNCILMAN MARIANO: He's done with his
15 statement.

16 COUNCILMAN ORTIZ: I have to go pick up
17 my son at prekinder. But there's a resolution
18 that we're not going to be hearing today that
19 we'll be hearing at another date, and I have asked
20 the Personnel Department for certain information
21 along those lines, and we still have not gotten
22 it. But, Kenny, I agree with a lot of what you
23 said today.

24 COUNCILMAN MARIANO: Thank you,
25 Councilman.

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2 Go ahead, Mr. Rocks.

3 MR. ROCKS: And that will basically
4 conclude the testimony that I have.

5 I hope the Council will have the
6 courage to strive forward because if we could go
7 outside the City and waive residency requirements
8 for the leader of the Police Department, then why
9 can't we do it for police officers? And that's a
10 question that always stuck in my mind.

11 And it always disturbed me when the
12 former Chief of Staff, David Cohen, made a
13 statement, and this was shortly after the salaries
14 of recruited police officers were slashed by
15 \$6,000 that we've got to increase the salaries in
16 order to attract top-notch people. But he wasn't
17 talking about police officers. He was talking
18 about the number crunchers and the bureaucrats
19 that control the government.

20 But here we're talking about people
21 that control the lives, control the freedom, and
22 control the quality of life in our city. And I
23 thank you.

24 COUNCILMAN MARIANO: Thank you, Mr.
25 Rocks.

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2 Any questions for this witness?

3 (No questions.)

4 COUNCILMAN MARIANO: None of my
5 colleagues have questions?

6 Councilwoman Clark, do you have a
7 question for this witness?

8 COUNCILWOMAN CLARK: I did. I'm
9 somewhat concerned about extending the length of
10 this hearing.

11 COUNCILMAN MARIANO: Please don't.

12 COUNCILWOMAN CLARK: But I am concerned
13 also. My husband was in at 82nd. The 82nd was an
14 elite force, wasn't it?

15 MR. ROCKS: Yes, it was.

16 COUNCILWOMAN CLARK: And people came
17 there from everywhere and were benefitted from the
18 training. You came from Philadelphia and brought
19 your Philadelphia background to it. So they
20 didn't make you out a whole cloth; you were an apt
21 pupil when you got there, weren't you?

22 MR. ROCKS: Yes.

23 COUNCILWOMAN CLARK: And there are lots
24 of apt people like you from Philadelphia today.
25 We don't have to go to the corn fields the Iowa,

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2 Nebraska, or Idaho to find people for whom this is
3 a challenging position who could make a good
4 contribution; isn't that correct?

5 MR. ROCKS: Well, that's where I could
6 probably start to disagree with you, Councilwoman,
7 being that I've been a police officer for 27
8 years.

9 COUNCILWOMAN CLARK: So was my husband
10 a police officer.

11 MR. ROCKS: And we got to look at --
12 you know, it's easy to hire anybody for certain
13 jobs within city government, you know, and I can't
14 dispute that.

15 You know, in some jobs, you need a
16 strong back. And in some jobs you, need
17 qualifications like a degree in accounting if you
18 want to be an accountant. If you want to be in
19 the city solicitor's office, you need a degree in
20 law.

21 COUNCILWOMAN CLARK: What do you need
22 to be a police officer?

23 MR. ROCKS: To be a police officer, you
24 need to have compassion.

25 COUNCILWOMAN CLARK: How do you measure

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2 that?

3 MR. ROCKS: Compassion? Because you
4 feel for the victim.

5 COUNCILWOMAN CLARK: I know what it is
6 but I --

7 MR. ROCKS: That's who we deal with.
8 We not only deal with --

9 COUNCILWOMAN CLARK: Sir, sir, wait a
10 minute, wait, wait. This is not going to be
11 adversarial between you and me; we're going to
12 have a discussion, it's not going to be a fight.

13 My question to you is: How do you
14 measure compensation?

15 MR. ROCKS: How do you measure
16 compassion?

17 COUNCILWOMAN CLARK: Yes. You say a
18 person --

19 MR. ROCKS: I think you have to walk in
20 an experienced police officer's shoes to measure
21 the compassion that they feel, not only for the
22 victim -- and I don't think -- you know, I believe
23 that with my experience as a police officer, I
24 could go to any metropolitan area or any -- any
25 town with a --

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2 COUNCILWOMAN CLARK: Mr. Rocks --

3 MR. ROCKS: That's surrounded by corn
4 fields and perform the same function.

5 COUNCILWOMAN CLARK: Mr. Rocks, forgive
6 me. I don't want to take you back through your
7 testimony because I thought it was fine testimony.

8 But the situation that we are
9 proposing, you and me now, is in an interview
10 situation where an interviewer is trying to decide
11 whether a person is qualified to be a police
12 officer; isn't that correct?

13 MR. ROCKS: That's correct.

14 COUNCILWOMAN CLARK: Okay. It even
15 goes a step forward; it goes to which people
16 should apply for a police officer position in
17 Philadelphia; isn't that correct?

18 MR. ROCKS: That's correct.

19 COUNCILWOMAN CLARK: Now, when you say
20 that a police officer must exhibit compassion, I
21 ask you how the interviewer determines that the
22 applicant has compassion? You don't have a way
23 knowing that.

24 MR. ROCKS: Well, you cut me off,
25 Madame Councilwoman before I was finished my

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2 statement.

3 Compassion is just one of the many
4 qualifications that I was going to start to read
5 off that necessitate that of a police officer.

6 COUNCILWOMAN CLARK: But it's one that
7 you have no hard way of measuring. It is a gut
8 feeling; either he has it or he doesn't have it.
9 But you can't say he's got a third compassion or a
10 half, can you?

11 MR. ROCKS: There are -- there are --

12 COUNCILWOMAN CLARK: It's a feeling.

13 MR. ROCKS: There are psychological
14 tests that are conducted in various cities around
15 the country, and we have psychological testing for
16 our officers that go into a SWAT program. And
17 there are psychological tests that could judge
18 whether or not you are a humane type of a thinking
19 individual --

20 COUNCILWOMAN CLARK: Are those tests --

21 MR. ROCKS: -- or an overly aggressive
22 individual --

23 COUNCILWOMAN CLARK: Are those tests
24 administered in advance of the interview?

25 MR. ROCKS: Yes, they are. In the

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2 Police Department, they are.

3 COUNCILWOMAN CLARK: So that
4 everybody's who's sitting at the interview table
5 at least has passed all those tests, hasn't he or
6 she.

7 MR. ROCKS: Right, right. If we want
8 to talk about bare qualifications, then what we
9 should is, we should recruit outside of
10 unemployment lines. And if the citizens of this
11 city --

12 COUNCILWOMAN CLARK: I'm sorry, I
13 didn't understand.

14 MR. ROCKS: Why don't we recruit police
15 officers from right outside the unemployment
16 offices? Do we want that?

17 These are police officers. You've got
18 to understand, Madame Councilwoman --

19 COUNCILWOMAN CLARK: I don't understand
20 your comment. You mean you should stand --

21 MR. ROCKS: Could I make a decision in
22 a split second that's reviewed by the Supreme
23 Court of the United States? I may write a
24 document, and in the course of writing that
25 document, it's going to be reviewed by some of the

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2 best legal minds in this country. And don't you
3 think that I should be prepared adequately? Or
4 should I be more prepared, or should you seek the
5 best?

6 If you want adequacy --

7 COUNCILWOMAN CLARK: What has that got
8 to do with determining compassion --

9 MR. ROCKS: -- then you'll just get
10 what you asked for.

11 COUNCILWOMAN CLARK: -- in an interview
12 situation? What does that have to do? You're all
13 the way up to rewriting a Supreme Court decision.
14 I only ask you --

15 MR. ROCKS: That's what happens.

16 COUNCILWOMAN CLARK: I only ask you how
17 you or I or any interviewer can determine with any
18 degree of accuracy whether an interviewee is
19 compassionate, and I am going to suggest to you
20 that there are no hard, reliable indicators. It's
21 a gut feeling.

22 MR. ROCKS: In that -- my background is
23 in law enforcement.

24 COUNCILWOMAN CLARK: And my background
25 is in law.

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2 MR. ROCKS: I'll have to defer to the
3 experts. And if that's the position, then I can't
4 adequately argue that.

5 COUNCILWOMAN CLARK: Okay.

6 MR. ROCKS: But I could argue from my
7 experience of 27 years as a police officer. And
8 I'm not -- I'm not speaking against hiring
9 citizens of the City. I'm a lifelong citizen of
10 the City.

11 COUNCILWOMAN CLARK: You are the best
12 example of why we should hire for from
13 Philadelphia. For 27 years, you have served us
14 well, and you are a Philadelphian. So you are our
15 best example of why we should hire Philadelphians.

16 MR. ROCKS: Well, I can't argue with
17 that.

18 (Laughter.)

19 COUNCILWOMAN CLARK: I guess you can't,
20 I guess you can't.

21 COUNCILMAN MARIANO: Let's leave it
22 that you're a good guy, Ken.

23 MR. ROCKS: I guess you got my ego,
24 Councilwoman.

25 COUNCILMAN COHEN: Mr. Rocks,

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2 Mr. Rocks, much of what you said, as you well
3 know, I agree with. I don't think there's a
4 member of City Council in the last 30 years that
5 has been stronger on behalf of training, of fine
6 salaries, of good salaries, good pension rights,
7 of every right that every worker ought to enjoy.
8 Now that's totally different.

9 Were those corrections made, adequate
10 training programs, I think you'd find here in the
11 pool from the City of Philadelphia, just like
12 yourself, very wonderful examples of why
13 Philadelphians make good police officers.

14 We don't make up for the defects in the
15 system by going outside the city to hire; we make
16 up for those defects by correcting them here in
17 the City. That's why on the pension that's coming
18 before us we, had discussion on. We're trying to
19 correct the problems of retirees, we're trying to
20 correct the problems of retirees all throughout
21 the City.

22 But the way is not to run away from the
23 problems that we have here in the City, but to
24 deal with them in a fair an equitable way and that
25 we --

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2 MR. ROCKS: That I agree with,
3 Councilman.

4 COUNCILMAN COHEN: And in that you
5 found this City Council very, very supportive of
6 the patrolmen, the firemen, and other employees.

7 MR. ROCKS: That I agree with. And as
8 you know too, in city government, there's always
9 been waivers granted for certain civil service
10 positions, and it's a built-in within the civil
11 service and the residency requirement to do those
12 waivers.

13 When PGH was alive and well, the fine
14 hospital that it was, most of the medical staff
15 there, the nurses and the doctors, had waivers
16 because there was an insufficient pool of City
17 residents that wanted to work in those
18 institutions.

19 COUNCILMAN COHEN: I don't think --

20 MR. ROCKS: And that is a fact.
21 Although we don't have that problem anymore --

22 COUNCILMAN COHEN: I don't think you
23 really want to be understood as saying that in
24 Philadelphia, we don't have an adequate pool. I
25 believe we have a fully adequate pool of folks who

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2 could become excellent, outstanding officers,
3 given the proper training and if we had the right
4 outreach program to reach them.

5 COUNCILMAN MARIANO: Okay.

6 COUNCILWOMAN CLARK: I'm going to agree
7 with that.

8 COUNCILMAN MARIANO: Any other
9 questions from the committee?

10 Councilman Kenney?

11 COUNCILMAN KENNEY: I appreciate being
12 recognized. I just don't want to lose sight on
13 one of the primary reasons of why I introduced
14 this bill.

15 I think we should be using all City
16 employment opportunities as an opportunity to
17 attract and bring in new families to our
18 communities of every U.N. color and background
19 because it is estimated that between 4 and 500 per
20 month are continuing to leave the City.

21 We would be getting the double benefit
22 of having good competent people that we are
23 attracting; and at the same time, having that
24 family from South Carolina or from Arizona or from
25 Florida or Michigan move their families into South

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2 Philadelphia, Mt. Airy, the Northeast, and
3 anywhere else in this city.

4 And that's, again, one of the primary
5 reasons. It's not the pool of applicants or the
6 training or all the issues that need to be
7 resolved; it's the use of employment resources to
8 attract new families to our neighborhoods.

9 COUNCILWOMAN CLARK: Respectfully, if I
10 may be heard on that?

11 COUNCILMAN MARIANO: Yes. I recognize
12 Councilwoman Clark.

13 COUNCILWOMAN CLARK: There is probably
14 no more insulting thing to have happen to you in
15 the workforce than to have your opportunity taken
16 by a newcomer.

17 I've had it happen to me just often
18 enough to be offended where I've been baby
19 stepping along, waiting for my chance, and then
20 here comes some guy from "Podunk, Iowa" who gets
21 to the head of the line and takes my opportunity.

22 So, respectfully, I would say that a
23 person coming in gets no greater points than the
24 person who has been in Philadelphia, living in
25 South Philly and Mayfair and North Philly.

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2 All of us, those of us who, by our
3 staying here, paying the taxes, bearing the burden
4 of being an urban citizen at a time when suburbia
5 is the place to be, we should not then pay an
6 additional penalty by going in search of someone
7 who didn't do what we've done.

8 COUNCILMAN KENNEY: Well, we're not --
9 this bill is not asking anyone to pay a penalty or
10 giving anyone an advantage. Basically, you're
11 competing on an equal footing with someone who is
12 going to make a commitment to --

13 COUNCILWOMAN CLARK: Well --

14 COUNCILMAN KENNEY: Let me finish. To
15 move into this city, to pay those taxes, to raise
16 their children, to participate in community life,
17 and to be new residents.

18 COUNCILWOMAN CLARK: And when he has
19 done that for whatever our present residential
20 requirement is, then he or she can compete on the
21 same footing. But --

22 COUNCILMAN KENNEY: They're not going
23 to do that.

24 COUNCILWOMAN CLARK: Well, then I
25 suppose we're going to have to do without them.

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2 COUNCILMAN KENNEY: And I would
3 respectfully --

4 COUNCILWOMAN CLARK: I am not willing
5 -- I am not willing -- I am not willing to take
6 away whatever benefit comes from residency and
7 wave a carrot to somebody who might come. If they
8 want to be a Philadelphian and they want to have
9 benefit of civil service positions in
10 Philadelphia, then come and do what Philadelphians
11 have done -- what you have done and what I have
12 done.

13 COUNCILMAN KENNEY: And I would totally
14 and respectfully --

15 MR. ROCKS: I would like to throw two
16 words at you, Madame Chairman.

17 COUNCILMAN KENNEY: Hold on, hold on
18 one second.

19 MR. ROCKS: Kevin Tucker and John
20 Timoney. They took my position.

21 COUNCILWOMAN CLARK: Oh, now we're not
22 going to argue your special problem.

23 MR. ROCKS: Well, we could. It's the
24 same analogy.

25 COUNCILWOMAN CLARK: Although I'm sure

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2 we could make some interesting points.

3 COUNCILMAN MARIANO: Point of order,
4 Councilwoman, point of order.

5 COUNCILWOMAN CLARK: But the point here
6 is --

7 COUNCILMAN MARIANO: I think we're
8 losing sight of where we're going here. The
9 Councilwoman's point is well taken and I would ask
10 her to finish up here.

11 Councilman Kenney's point was also well
12 taken. I think I agree with Councilman Kenney and
13 with what he's trying to do here, Councilwoman,
14 and you know this process much better than me. We
15 will vote on that and we will hash that around.

16 COUNCILWOMAN CLARK: Right.

17 COUNCILMAN MARIANO: I just want to say
18 one thing. As long as we're not paying for the
19 relocation cost, I think it's a good thing that
20 Councilman Kenney is bringing up here.

21 COUNCILMAN KENNEY: I just believe that
22 20 years ago, 30 years ago when this city had two
23 million people or thereabouts, we were in a
24 position of a buyer's market.

25 Today, with all of the constraints and

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2 pressures and attractions for good people
3 throughout the country, I think, respectfully, it
4 is shortsighted to limit us to just the people who
5 are living here. If we have the added benefit of
6 gaining a new family when we're losing them by the
7 scores every month.

8 COUNCILWOMAN CLARK: How far are you
9 willing to go with that? Is there anything that
10 requires --

11 COUNCILMAN KENNEY: Can I answer --

12 COUNCILWOMAN CLARK: Now, wait a
13 minute; don't answer it till I ask you.

14 Is there anything that requires city
15 residency in your mind.

16 COUNCILMAN KENNEY: Employment.

17 COUNCILWOMAN CLARK: Employment.

18 COUNCILMAN KENNEY: Yes. If you are a
19 City employee, you should live in the city. If
20 you are a teacher, you should live in the city.
21 Any City employee should live in the city.

22 COUNCILWOMAN CLARK: Including police
23 officers?

24 COUNCILMAN KENNEY: Yes, ma'am.

25 COUNCILWOMAN CLARK: Who presently live

1 COMMITTEE ON LABOR & CIVIL SERVICE - Bill 970212
2 in Podunk, Iowa?

3 COUNCILMAN KENNEY: Yes, ma'am, if
4 they're willing to relocate here and live in our
5 city, yes.

6 COUNCILMAN MARIANO: Yes, they have to
7 come here.

8 COUNCILMAN KENNEY: I want them, I want
9 them to come here and live here and increase our
10 tax base and increase our population.

11 COUNCILMAN MARIANO: They have to
12 promise to move here.

13 COUNCILWOMAN CLARK: Well, you
14 substituted the promise to move here with the
15 requirement you have you've already lived here; is
16 that correct?

17 COUNCILMAN KENNEY: Correct.

18 COUNCILWOMAN CLARK: And that's where
19 you and I are having a nonagreement. It's a
20 friendly nonagreement.

21 COUNCILMAN KENNEY: Yes, yes.

22 COUNCILWOMAN CLARK: It is a
23 nonagreement nonetheless.

24 COUNCILMAN KENNEY: Yes, ma'am. Yes,
25 ma'am.

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2 COUNCILWOMAN CLARK: I won't burden
3 this record any further.

4 COUNCILMAN MARIANO: Thank you, ma'am.

5 COUNCILWOMAN CLARK: I think my point's
6 clear and so is yours.

7 COUNCILMAN KENNEY: Thank you.

8 COUNCILMAN MARIANO: Thank you, Mr.
9 Rocks.

10 I'm sorry. Councilman Nutter for Mr.
11 Rocks. Ken, you're not getting away that fast.
12 Councilman Nutter has one short -- I'm sure one
13 short question.

14 COUNCILMAN NUTTER: Hi. Mr. Rocks,
15 thank you.

16 I don't think we'll engage in much of a
17 discussion, but I just wanted to ask you, based on
18 your experience and the things that you've seen,
19 what would you say are the top five problems in
20 recruiting high-quality people to the Philadelphia
21 Police Department today?

22 MR. ROCKS: Number one would be
23 salary. Working conditions.

24 COUNCILMAN NUTTER: Where do we rank in
25 salary as compared to the other major cities of

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2 the country?

3 MR. ROCKS: If you take the 20 largest
4 cities, we're probably 32.

5 COUNCILMAN NUTTER: Take the 20 largest
6 cities, we're 32?

7 COUNCILWOMAN CLARK: We're 32?

8 MR. ROCKS: We are -- okay, just
9 measuring the --

10 COUNCILMAN NUTTER: Are we talking
11 about starting salary or average officer's
12 salary? Which analysis are we using?

13 MR. ROCKS: Full paid police officers.

14 COUNCILMAN NUTTER: Full paid --

15 MR. ROCKS: After ten years of
16 service.

17 We presented all this information in
18 our recent collective-bargaining arbitration
19 hearings. And we at one time, back in 1979, we
20 were the highest paid police officers in the
21 Commonwealth of Pennsylvania.

22 COUNCILMAN NUTTER: All right.

23 MR. ROCKS: Okay? Right now, we are,
24 of all the surrounding counties and townships, we
25 are the lowest paid, we're paid lower than the

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2 city of Pittsburgh and the city of -- and the
3 state police. At one time, we were the lead.

4 COUNCILMAN NUTTER: How do we rank as
5 compared to the top ten cities in the country by
6 population?

7 MR. ROCKS: We're number 11.

8 All's you have to do is take the cities
9 where the FBI studies, the crime analysis, and we
10 come out as the safest city, which is debatable
11 right now, as to the figures that were utilized.
12 But we are the lowest paid of all those cities.

13 COUNCILMAN NUTTER: All right, so
14 salary. What else?

15 MR. ROCKS: Working conditions. And
16 that's facilities.

17 If you looked around at the facilities,
18 which I would include training, we are probably
19 the last people to want to know about decisions
20 that affect how we perform our job as far as
21 stop-and-search, seizure of evidence.

22 COUNCILMAN NUTTER: Yeah, I understand
23 that but, I mean, how does that affect the --

24 MR. ROCKS: Which is training.

25 COUNCILMAN NUTTER: How does that

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2 affect a recruit? A recruit wouldn't know about
3 all that stuff.

4 MR. ROCKS: Well, they should be taught
5 that. They should be taught that at the entry-
6 level academy. I don't think there's leadership
7 training; it's provided inadequate for the
8 recruits.

9 COUNCILMAN NUTTER: Is that number 3?
10 Or is that a part of working conditions?

11 MR. ROCKS: No, that's all of number 2.

12 COUNCILMAN NUTTER: Okay, what's number
13 3?

14 MR. ROCKS: Number 3 would be the. . .
15 probably the supervision within the department,
16 and the lack thereof --

17 COUNCILMAN NUTTER: Okay. And --

18 MR. ROCKS: -- of leadership, of people
19 support, the necessary support network for a young
20 officer on the street, you know, feeling isolated
21 and alone when they make a decision and they end
22 up headlines in the media.

23 COUNCILMAN NUTTER: Right, and this
24 affect recruitment?

25 MR. ROCK: Well, that affects -- you

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2 know, because people would say -- because this is
3 what the feedback I get from people that say, why
4 should I become a Philadelphia police officer when
5 I make an error in judgment or something like
6 that, I end up being a political pawn in a bigger
7 game of things?

8 And that's what happens in big cities.

9 COUNCILMAN NUTTER: All right.

10 MR. ROCKS: So, you know, it's a
11 detriment.

12 COUNCILMAN NUTTER: Right, gotcha.

13 MR. ROCKS: You know, every time you
14 see a police officer run through. Plus the
15 corruption within the department and the media
16 exposure. Although I don't -- and I'm not in
17 favor of -- I think corruption should be --

18 COUNCILMAN NUTTER: You don't think
19 corruption should be exposed?

20 MR. ROCKS: But when you lower
21 standards or permit standards to be lowered, then
22 that's what you're going to attract. You're not
23 going to attract the high achievers. And the high
24 achiever is going to be reluctant to come into the
25 Police Department.

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2 COUNCILMAN NUTTER: In what ways have
3 the standards been lowered?

4 MR. ROCKS: With the salary. Because
5 you're not attracting the best possible
6 candidates. People look at that and say, Why
7 should I take a career or accept a career in law
8 enforcement at this starting salary when I could
9 go somewhere else and make a better salary and
10 have a better possibility of getting promoted up
11 rather than going through a political system.

12 COUNCILMAN NUTTER: So you think that
13 there is a direct correlation between salary and
14 corruption?

15 MR. ROCKS: And recruitment, most
16 definitely, most definitely.

17 I'd like to ask you a question.

18 COUNCILMAN NUTTER: Why are --

19 MR. ROCKS: How many graduates of St.
20 Joe's Prep have we attracted to the Police
21 Department recently?

22 COUNCILMAN NUTTER: Why aren't most of
23 the officers --

24 (Unintelligible; parties speaking over
25 each other.)

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2 COUNCILMAN NUTTER: I'm sorry?

3 MR. ROCKS: How many graduates of the
4 school that you graduated from, Councilman, St.
5 Joe's Prep, did we attract to the Philadelphia
6 Police Department recently?

7 COUNCILWOMAN CLARK: How many did you
8 ever attract?

9 COUNCILMAN NUTTER: Well, I don't
10 know. I think about 96, 98 percent of the Prep
11 grads go to college, so I don't know if they're
12 going to leave high school, then just go to Philly
13 P.D., or maybe they'll go --

14 MR. ROCKS: And then when they leave
15 college, they don't come to Philly P.D. Either, so
16 it --

17 COUNCILMAN NUTTER: I'm not in the
18 recruitment office.

19 MR. ROCKS: Neither am I.

20 COUNCILMAN NUTTER: But if you say that
21 there is a correlation between salary and
22 corruption --

23 COUNCILWOMAN CLARK: He didn't say
24 that.

25 COUNCILMAN NUTTER: And recruitment.

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2 MR. ROCKS: I think I said the
3 correlation is between lower standards and
4 corruption.

5 COUNCILMAN NUTTER: Lower standards and
6 corruption, and you said one of the lower
7 standards was salary.

8 MR. ROCKS: Right.

9 COUNCILMAN NUTTER: Right? So you got
10 lower standards, corruption, salary.

11 And so you're saying that when you
12 lower the standards by lowering the salary, you
13 get a less qualified officer who potentially gets
14 into corruption.

15 MR. ROCKS: No, I don't think I said
16 that.

17 COUNCILMAN NUTTER: I'm just trying to
18 follow -- okay.

19 MR. ROCKS: I said that what you tend
20 to do is, you tend to attract those people that
21 are not considered -- or what one could consider
22 an achiever.

23 COUNCILMAN NUTTER: Right.

24 MR. ROCKS: And I think that if you
25 wanted to make decisions to see attract that type

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2 of a recruit, then that's your decision.

3 COUNCILMAN NUTTER: Right.

4 MR. ROCKS: But I'm offering my
5 opinion, and I think that we should go after a
6 higher quality of recruit from within. Or if we
7 can't find them within, then go outside to find
8 them. That may not cure all the problems.

9 COUNCILMAN NUTTER: Right.

10 MR. ROCKS: But I think that what you
11 would start to do is, you would start to improve
12 the quality of police officer within the
13 department.

14 COUNCILMAN NUTTER: Right.

15 MR. ROCKS: And, hopefully, the results
16 will show forth in not only the Police Department,
17 their treatment to the community, you know the
18 ingenuity within the Department.

19 COUNCILMAN NUTTER: Sure.

20 MR. ROCKS: Their ability to solve
21 crimes.

22 I mean, you know, we're getting sued
23 now because people don't like the way police
24 officers answer a 9-1-1 call, because their
25 daughter ended up getting to be a victim of

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2 homicide.

3 COUNCILMAN NUTTER: Sure.

4 MR. ROCKS: You know, in the course of
5 my career, I handled two assignments such as that,
6 to where, you know, I went and I knocked on the
7 door, I interviewed the witness around there and
8 said, Who called, who called?

9 And nobody wants to get involved, so
10 you say, Well, what should I do? Should we kick
11 the door in, you know, to find out if we're going
12 to find a dead body? Or are we going to find just
13 somebody could have been watching a scary movie
14 and screamed, or somebody could have been arguing,
15 and when the police come, they stopped.

16 I mean, I don't have a crystal ball.
17 But, you know, but we get -- we get sued for that.

18 COUNCILMAN NUTTER: Right. I assume
19 that both of -- all of our respective attorneys
20 might encourage us to not get into the particulars
21 of that case since it's apparently an open
22 lawsuit, and I don't want to particularly talk
23 about that.

24 I've got salary, working conditions,
25 supervision, and corruption as some of the leading

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2 factors that contribute to our recruitment
3 problem.

4 MR. ROCKS: And the advancement. The
5 advancement would have to be included there, and
6 it would really be dependent on how high you put
7 it, but that's an important part of anybody that
8 would be considering a career.

9 COUNCILMAN NUTTER: Right, okay. And
10 lastly, is it your -- do you believe that the
11 quality of the current recruits or the recent
12 recruits is less than or lower than what it has
13 been in the past?

14 MR. ROCKS: It's good, I believe it's
15 good. We could probably make the quality of
16 recruit better by improving the training, making
17 the training longer, doing some things there by
18 improving training.

19 And that should be -- regardless of
20 what this Council does, that should be a priority
21 on somebody's agenda.

22 COUNCILMAN NUTTER: Right I think we
23 heard -- I'm not sure if you were here. The
24 Police Commissioner seemed to indicate --

25 MR. ROCKS: Yes, I did.

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2 COUNCILMAN NUTTER: Okay. He was
3 talking about lengthening.

4 Okay, thank you.

5 COUNCILMAN MARIANO: Councilman, thank
6 you very much.

7 No other questions for this witness,
8 okay.

9 (Les Yost comes forward.)

10 COUNCILMAN MARIANO: The next witness,
11 please state your name for the record, sir.

12 MR. YOST: My name is Les Yost. It's
13 spelled L-E-S. And my last name is spelled
14 Y-O-S-T. I'm the President from the Philadelphia
15 Firefighters Union, and I'm here in support of
16 Bill 970212.

17 Up till now, it's been -- or it seemed
18 like it was a bill just for police. It's for all
19 City employees. And I believe that -- some of the
20 questions that went before us, I believe that the
21 military is diverse, and I believe that there are
22 men and women in the military.

23 And I believe that the federal court
24 orders that stand with regard to hiring in the
25 City of Philadelphia are fine and will stay, and

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2 the that the diversity in the different City
3 departments will stay the same as part of the
4 federal court orders or consent decrees.

5 We need men and women on the
6 Philadelphia Fire Department that are the very
7 best because of the technical dangers that we
8 face. And I believe that the bill addresses that.
9 It does allow us to hire the very best. And like
10 the other departments, and like the Philadelphia
11 Police Department that was spoken of, the numbers
12 of people that are being recruited to take our
13 exam have gone down dramatically.

14 When I took it years ago, it was over
15 20,000 people that took that exam. Today, they
16 have in the number of -- in the high 3,000s. We
17 need to have a bigger base to collect from, and we
18 will get better quality people in the Fire
19 Department.

20 So I speak in favor of the bill and
21 I'll try and be as short as possible.

22 COUNCILMAN MARIANO: Thank you. Any
23 questions for Mr. Yost from the committee.

24 (No questions.)

25 COUNCILMAN MARIANO: Seeing none,

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2 you're excused, sir.

3 MR. YOST: Thank you.

4 COUNCILMAN MARIANO: And that's the
5 last witness -- no. Linda? I'm sorry, almost
6 forgot her. One more witness.

7 (Linda Seyda comes forward.)

8 COUNCILMAN MARIANO: Linda, the reason
9 I made you last is because I want you to absorb
10 all of this.

11 MS. SEYDA: I appreciate it.

12 COUNCILMAN MARIANO: And get it all in
13 so that you can answer all the questions that
14 everyone had.

15 Please state your name for the record,
16 please.

17 MS. SEYDA: I am Linda Seyda, the
18 Personnel Director for the City of Philadelphia.
19 Joining me at the table this morning is Marilyn
20 Hawker, who is my executive assistant.

21 Good morning, Committee Chairman
22 Mariano and members of the Committee on Labor and
23 Civil Service. I am pleased to be here this
24 morning to present testimony on Bill No. 970212.

25 This bill will amend The Philadelphia

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2 Code to permit former U.S. military personnel to
3 be appointed to the civil service positions in the
4 City. These appointees would not be required to
5 meet the City's residency requirements on the
6 original date of employment but would be required
7 to become bona fide residents within six months of
8 appointment and to maintain residency in the City.

9 The Personnel Department supports this
10 bill as it applies to the recruitment of police
11 officers hired in Philadelphia. Passage of an
12 amended version of this bill would permit the City
13 to actively recruit at selected military
14 installations to encourage qualified service
15 personnel to work in the Philadelphia Police
16 Department upon discharge from the service. We do
17 not believe that a similar relaxation of the
18 residency requirement is necessary for all new
19 City employees.

20 As our traditional pool from which we
21 recruit for police officers has diminished over
22 the years, we believe that looking to
23 recently-separated military personnel is an
24 advantageous way of expanding our local
25 recruitment pool. It is our belief that utilizing

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2 this recruitment source will provide the City with
3 a labor pool that is not only physically fit but
4 has also benefitted from a structured and
5 disciplined background.

6 Former military personnel represent a
7 very diverse recruitment source. Recent
8 demographic studies show that 71. 7 percent of all
9 Department of Defense uniformed personnel are
10 minorities, 13.4 are female. Of those enlisted
11 persons currently serving in the military,
12 enlisting a home address in Pennsylvania, 16
13 percent are minorities and 15 percent are females.

14 To facilitate the recruitment process,
15 the Personnel Department has established a client
16 relationship with the Defense Outplacement
17 Referral System. This organization will provide
18 to us, upon request and at no cost, resumes of
19 recently-separated military personnel who list a
20 local home address within a 24-hour time period.

21 We are also in the process of exploring
22 other recruitment options as well if this bill is
23 passed.

24 This concludes my prepared testimony.
25 I am pleased to answer any questions that you may

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2 have.

3 COUNCILMAN MARIANO: Thank you.

4 Councilman Cohen?

5 COUNCILMAN COHEN: First, just one
6 technical question. I wasn't sure what you said
7 when you referred to a 24-hour time period. I
8 heard every word, but I couldn't understand it so
9 maybe I missed something.

10 MS. SEYDA: The Defense Outplacement
11 Referral System is an organization that's part of
12 the Department of Defense.

13 COUNCILMAN COHEN: I understand that
14 part of it.

15 MS. SEYDA: And that organization will,
16 within a 24-hour period, provide to us or any
17 other employer resumes of recently-separated
18 military personnel.

19 COUNCILMAN COHEN: No matter where they
20 may have lived? I'm just confused. You made a
21 statement before about people with Pennsylvania
22 addresses.

23 Is it limited to that, or is the
24 information that they will give you nationwide?

25 MS. SEYDA: It depends on -- they will

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2 provide it any way that you ask for it. It is up
3 to the employer to determine the parameters so
4 that we could ask for resumes only from
5 Pennsylvania people, or we could ask for resumes
6 from people who --

7 COUNCILMAN COHEN: Did you have a
8 proposal with that in your statement? All I'm
9 trying to do is get information.

10 MS. SAIDA: Certainly.

11 COUNCILMAN COHEN: I didn't understand
12 what you were saying. All I want to know is, what
13 was your position on that point? Or are you
14 taking no position as to where they could come
15 from?

16 MS. SEYDA: Well, we would -- we would
17 support targeted recruitment at military
18 installations where there's a diverse population
19 and where the background and experience of the
20 military personnel are such that they would be
21 advantageous or good candidates for the City of
22 Philadelphia.

23 For example, I would anticipate that we
24 would perhaps want to look at people who are
25 coming out of the military police, for example.

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2 COUNCILMAN COHEN: Without respect to
3 geographic location? That's what I'm trying to
4 just find out, what it is you're advocating.

5 MS. SEYDA: Potentially. I mean, I
6 think we have to take a look at what those numbers
7 are and, you know, what the possibilities are.

8 We don't have a definite position at
9 this point in time. We don't have enough
10 information, quite frankly, at this point in time
11 to say that we would want resumes from every
12 state.

13 COUNCILMAN COHEN: I can understand
14 that. All I was trying to find out is what it was
15 you were saying.

16 MS. SAIDA: Right.

17 COUNCILMAN COHEN: I was not take any
18 position whatsoever on the matter. I just wanted
19 to know what your position was.

20 And as of now, you say there isn't
21 enough information and you don't know whether
22 there would be any geographic limitations. Is
23 that an accurate statement?

24 MS. SEYDA: Yeah, for all intents and
25 purposes, yes.

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2 COUNCILMAN COHEN: All right. I'm
3 going to yield to Councilwoman Clark for a minute
4 to get further clarification..

5 COUNCILWOMAN CLARK: Miss Saida, under
6 the defense outplacement service that you offer
7 us, that you described in your testimony, is it
8 possible and would it be advisable for you, as
9 Personnel Director for the City of Philadelphia,
10 to request the biographical sketches of active
11 military persons in the zip code 191?

12 Could you be that specific? That's
13 Philadelphia exclusively.

14 MS. SEYDA: That would be possible,
15 yes.

16 COUNCILWOMAN CLARK: Would you ever
17 consider doing it?

18 MS. SEYDA: Yes, absolutely.

19 COUNCILWOMAN CLARK: Our present rules
20 would require it, wouldn't they?

21 MS. SEYDA: That's correct.

22 COUNCILWOMAN CLARK: Thank you. I have
23 no further questions.

24 COUNCILMAN COHEN: Miss Seyda, just for
25 your information, previously, Councilman Kenney

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2 stated that he was withdrawing this bill and will
3 substitute another bill this coming Thursday. The
4 substitution he referred to was to remove the word
5 "former" on line 2 of the title so that whatever
6 the bill said, it would only relate to current
7 United States military service personnel, not
8 former.

9 Now, there is nothing in this bill that
10 limits it to police officers. This bill would
11 provide for the waiver of residency requirements
12 across the whole civil service.

13 Is that right Councilman Kenney? I
14 don't want to argue it; I just want to know what
15 the --

16 COUNCILMAN KENNEY: If I can, I'll
17 clarify it.

18 COUNCILMAN MARIANO: Can I recognize
19 Councilman Kenney. He want to answer it.

20 COUNCILMAN KENNEY: On Thursday, what I
21 will do is introduce two pieces of legislation.
22 One will be police only; and the other will be
23 full civil service.

24 So if the opportunity to do the full
25 civil service is available, I will take that

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2 option; if it's only police, and that's available,
3 I'll take that option. But I'll introduce both
4 bills.

5 COUNCILMAN COHEN: The third option
6 would be not to choose either of the two options.

7 COUNCILMAN KENNEY: Yes, that's always
8 an option.

9 COUNCILMAN COHEN: Okay. I just wanted
10 you to know that because when you read the title,
11 you read the word "former," and that's not going
12 to be the bill that we're going to be
13 considering. It will relate to current.

14 COUNCILWOMAN CLARK: Neither of the
15 bills will require former.

16 COUNCILMAN KENNEY: Both will be --
17 both bills will be active military personnel.

18 MS. SEYDA: And we will support the
19 bill, the amended bill, for Philadelphia police
20 personnel.

21 COUNCILWOMAN CLARK: No, don't do that
22 'cause you don't know --

23 COUNCILMAN MARIANO: Don't do nothing
24 yet till we see it, all right?

25 COUNCILWOMAN CLARK: Don't do that;

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2 wait till you see it.

3 COUNCILMAN COHEN: But her statement
4 did state that the City administration currently
5 supported a waiver only for the Police Department;
6 is that right?

7 MS. SEYDA: That is correct.

8 COUNCILMAN COHEN: And that as to other
9 departments, the City saw no need for any
10 consideration of waiver at this point.

11 MS. SAIDA: That is correct.

12 COUNCILMAN COHEN: I think that was in
13 your statement.

14 MS. SEYDA: That is correct.

15 COUNCILMAN MARIANO: No other
16 questions? Anyone else have any questions for
17 this witness?

18 (No further questions.)

19 COUNCILMAN MARIANO: Seeing none, we
20 will adjourn the public hearing of the Committee
21 on Labor and Civil Service and go right into a
22 public meeting.

23 - - -

24 COUNCILMAN MARIANO: We're going right
25 into the public meeting for Labor and Civil

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2 Service to take action on Bill No. 960598.

3 The clerk will read the number and the
4 bill. And then Councilman Cohen has something.

5 THE CLERK: Bill No. 960598, an
6 ordinance amending the Retirement System
7 Ordinance, approved December 3, 1956, and the
8 retirement system ordinance approved April 22,
9 1987, as amended, by redefining "average final
10 compensation" for certain employees in positions
11 which cannot be represented by a union by revising
12 the base compensation upon which retirement
13 benefits shall be computed.

14 COUNCILMAN MARIANO: Councilman Cohen?
15 I'd like to recognize Councilman Cohen.

16 COUNCILMAN COHEN: Mr. Chairman, I move
17 that Bill No. 960598 be amended by adding a new
18 Section 3 to the end of the current bill. The new
19 Section 3 would read:

20 "Section 3, period. This ordinance
21 shall apply fully to existing employees so that
22 average final compensation shall be calculated for
23 such employees with respect to their entire period
24 of employment, starting from their first date of
25 employment with the City."

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2 I move the adoption of the amendment,

3 Mr. Chairman.

4 (Duly seconded.)

5 COUNCILMAN MARIANO: So noted that the
6 bill has been moved and seconded. I would like to
7 go for a vote for the amendment, we're going to
8 vote on the amendment first.

9 Councilwoman? I'm sorry, Councilman
10 Nutter, did you get the amendment?

11 COUNCILMAN NUTTER: No, I didn't, Mr.
12 Chairman.

13 COUNCILMAN COHEN: Well, there was a
14 lot of discussion on this. As the bill is written
15 now, it applies only prospectively.

16 COUNCILMAN NUTTER: Right.

17 COUNCILMAN COHEN: So that current
18 employees, no matter how close they are to
19 retirement, could not get the full benefits of the
20 bill unless they work for three full years under
21 existing pension requirements.

22 This would give current employees who
23 are going to retire within the three-year period
24 the right to get the full benefits of this
25 legislation.

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2 COUNCILMAN NUTTER: I'm just asking the
3 question; I don't want to debate the point for the
4 moment.

5 COUNCILMAN COHEN: Yes.

6 COUNCILMAN NUTTER: Is this amendment
7 different than -- does this do something different
8 to the bill than was explained by the Finance
9 Director when I asked him in the example of the
10 20-year employee, when I talked about their
11 service at years 10, 11 and 12, and that their
12 salary was \$25,000, but they may have done
13 overtime in those three years and that the pension
14 would be calculated on a \$35,000 figure.

15 The finance director responded, or Mr.
16 Kidwell responded, that the bill only applied to
17 their prospective years of service, that they were
18 not going back to capture those years of 10, 11,
19 and 12. He said that people would have to work
20 more years to be able to capture the three highest
21 years and the average.

22 What I am asking you now is: Does this
23 amendment, in fact, do what I asked the Finance
24 Director, does it do? To which he responded no.
25 Does this amendment, in fact, go back and capture

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2 those years in my example of 10, 11, and 12 in
3 order to calculate that person's pension?

4 COUNCILMAN COHEN: This amendment, in
5 fact, does not in fact deal with that situation,
6 but let's the situation be interpreted as it is
7 currently interpreted.

8 The precise answer to the example you
9 give would be that whatever benefits, whatever
10 benefits the employee would have if he retired
11 three years from now, however that section that
12 you talked to Mr. Kidwell about would be
13 interpreted, that the straight provisions of
14 pensions would apply.

15 One of them -- there are many
16 provisions that would apply.

17 COUNCILMAN MARIANO: Excuse me,
18 Councilman.

19 COUNCILMAN COHEN: One of them applies
20 to everybody. Whoever works for the City under
21 the regular pension law, the full three years are
22 calculated, the full three years at the highest
23 level. It's true today, under the pension system,
24 it's not the last three years, it's the three
25 highest-paid years.

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2 COUNCILMAN NUTTER: Right.

3 COUNCILMAN COHEN: It would not change
4 that at all.

5 COUNCILWOMAN KRAJEWSKI: It's based on
6 that.

7 COUNCILMAN NUTTER: Okay.

8 COUNCILMAN COHEN: Yeah. Well, that
9 would remain in effect, and we're not seeking any
10 change at all in that.

11 COUNCILMAN MARIANO: Councilman, just a
12 point of information here. I just conferred with
13 City Council Attorney Mr. Shapiro, and we would
14 have answered that question yes, so I think
15 there's a little bit of disagreement as to exactly
16 what this does, and I want it to be very clear.
17 He would have answered your question yes, I would
18 have answered your question --

19 COUNCILMAN COHEN: No.

20 COUNCILMAN NUTTER: No.

21 COUNCILMAN COHEN: No. It actually --

22 COUNCILMAN NUTTER: Let me -- I want to
23 ask a different question now.

24 COUNCILMAN COHEN: Well, let just
25 answer that question directly.

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2 COUNCILMAN NUTTER: Okay.

3 COUNCILMAN COHEN: Right now, say Mr.

4 Mattia retired tomorrow; he would get the benefit
5 of those highest three years, say, if they were in
6 his file for 1980, '81, and '82.

7 COUNCILMAN NUTTER: He would not get --

8 COUNCILMAN COHEN: He'd get that
9 benefit now.

10 COUNCILWOMAN CLARK: He would.

11 COUNCILMAN COHEN: He would get that
12 benefit now. That's a benefit that the current
13 pension law applies to everybody that retires. It
14 takes their three highest years.

15 All that this amendment would do, the
16 only change this amendment would make is --

17 COUNCILMAN NUTTER: I thought the
18 purpose of the bill was to deal with that.

19 COUNCILMAN COHEN: Huh?

20 COUNCILMAN NUTTER: I thought the
21 purpose of the bill was to deal with that.

22 COUNCILMAN COHEN: No, no, no.

23 COUNCILWOMAN CLARK: Let him
24 distinguish it.

25 COUNCILMAN NUTTER: I'm sorry.

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2 COUNCILMAN COHEN: The purpose of the
3 bill is to permit the inclusion of overtime in the
4 computation of what the pension should be.

5 COUNCILMAN NUTTER: Right, right,
6 right. I got that.

7 COUNCILMAN COHEN: And that's the only
8 thing this amendment deals with.

9 COUNCILMAN NUTTER: What does the
10 amendment deal with?

11 COUNCILMAN COHEN: The amendment only
12 deals with -- it applies to current employees.
13 Right now, any overtime they had in the past is
14 not covered, it's just not counted.

15 COUNCILMAN NUTTER: Right.

16 COUNCILMAN COHEN: This would permit
17 for overtime to be counted going all the way
18 back. And I don't know what that would do to
19 anyone's three last years.

20 COUNCILMAN NUTTER: Okay, all right.
21 That's my first question. Now, my second question
22 is --

23 COUNCILMAN COHEN: But it would be the
24 same standard applicable to every other retiree.

25 COUNCILMAN NUTTER: Okay.

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2 COUNCILMAN MARIANO: Your second
3 question, Councilman Nutter?.

4 COUNCILMAN NUTTER: My second question
5 is? Was there any discussion about this amendment
6 by either Mr. Hayllar or Mr. Kidwell on the
7 record?

8 COUNCILMAN COHEN: Yes.

9 COUNCILMAN MARIANO: They don't know
10 the amendment.

11 COUNCILMAN COHEN: They said -- yes,
12 they don't.

13 COUNCILMAN NUTTER: He said they don't
14 know about it, he says yes.

15 COUNCILMAN COHEN: Well, you're asking
16 questions that if answered maybe directly don't
17 give an answer to the question.

18 COUNCILMAN NUTTER: All right.

19 COUNCILMAN MARIANO: Spoken by a true
20 lawyer.

21 COUNCILMAN COHEN: They said in reply
22 to this question -- I raised it. There was a lot
23 of discussion, not just a mention, lots of
24 discussion.

25 And Mr. Kidwell and Mr. Hallyar both

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2 said in the course of the discussion that this
3 applies prospectively, that the overtime that
4 they've worked in the past would not be counted.

5 COUNCILMAN NUTTER: Right.

6 COUNCILMAN COHEN: This amendment is
7 aimed to include that. We don't know what's the
8 justice of counting overtime next year but not
9 counting the current year.

10 COUNCILMAN NUTTER: Right. But,
11 Councilman, I'm still asking the question. You
12 may have had the discussion.

13 COUNCILMAN COHEN: Yeah, not saying
14 what this covers.

15 COUNCILMAN NUTTER: Right. I'm still
16 asking the question, was this amendment and it's
17 language --

18 COUNCILMAN COHEN: No, I wrote it
19 during the --

20 COUNCILMAN NUTTER: I understand that.
21 So this amendment and its language, as presently
22 before us, was not discussed specifically and
23 directly on the record by either Mr. Hayllar or
24 Mr. Kidwell.

25 COUNCILMAN MARIANO: No, no.

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2 COUNCILMAN COHEN: No, except that they
3 said they were opposed to this amendment.

4 COUNCILMAN MARIANO: For the record,
5 Councilman --

6 COUNCILMAN COHEN: Without it being
7 called an amendment.

8 COUNCILMAN MARIANO: Councilman Cohen
9 wrote this during a Tasty break. It was that
10 quick.

11 COUNCILMAN NUTTER: All right. Is this
12 "the Twinkee defense"?

13 COUNCILMAN COHEN: I was struck by what
14 I think is an injustice. Why, if Tom Mattia
15 retires now, should he be denied in his pension.

16 COUNCILMAN NUTTER: I'm not on the
17 committee, the committee has indulged me greatly.

18 COUNCILMAN MARIANO: We appreciate your
19 input.

20 COUNCILMAN NUTTER: I just want to at
21 least raise, for the committee's purposes --

22 COUNCILMAN MARIANO: Yes.

23 COUNCILMAN NUTTER: And ask the
24 committee --

25 COUNCILMAN COHEN: I would have no

1 COMMITTEE ON LABOR & CIVIL SERVICE - Bill 970212
2 objection to --

3 COUNCILMAN NUTTER: Is there any need
4 to get specific and direct testimony on a
5 now-written amendment --

6 COUNCILMAN MARIANO: As the chairman of
7 this committee, I would think so, yes.

8 COUNCILMAN NUTTER: -- as both parties
9 have left the room now.

10 COUNCILMAN COHEN: I would suggest that
11 the Chairman --

12 COUNCILMAN NUTTER: No member who was
13 not here, in my opinion, going to be able to
14 understand what happened here this afternoon.

15 COUNCILMAN COHEN: I have no objection
16 to the hearing being continued to another date.
17 We could take it to a specific date and have this
18 specific amendment discussed.

19 COUNCILMAN NUTTER: I mean, I'd just
20 like to at least have them at the table to ask the
21 question. They'll say whatever they're going to
22 say, but --

23 COUNCILMAN COHEN: Oh, I have no
24 objection to that.

25 COUNCILMAN NUTTER: Okay, fine.

1 COMMITTEE ON LABOR & CIVIL SERVICE - Bill 970212

2 COUNCILMAN COHEN: I have no objection
3 at all to that.

4 COUNCILMAN MARIANO: Can we take a
5 recess for five minutes? No, no, I want to recess
6 for five minutes to straighten this out.

7 Because these people been waiting for
8 this since 1996. And it's my point -- and this is
9 for the record -- that they wanted this.

10 They didn't know about amendment. The
11 amendment has a great intention, and I would be in
12 favor of this amendment.

13 But Councilman Nutter's right; we might
14 be putting an amendment in that the administration
15 probably is going to be against -- not that that's
16 important in our scope of things, but it's
17 something we have to realize.

18 COUNCILMAN NUTTER: Well, yeah. I
19 mean, I only raised it because the administration
20 was against this bill two years ago.

21 COUNCILMAN MARIANO: Right. Now
22 they're for it.

23 COUNCILMAN NUTTER: They changed their
24 position on the bill to be supportive. Now,
25 there's a new piece to it.

1 COMMITTEE ON LABOR & CIVIL SERVICE - Bill 970212

2 COUNCILMAN MARIANO: It's a curve ball,
3 I agree.

4 COUNCILMAN NUTTER: I'd just like to
5 get an answer. It'll be whatever it's going to
6 be, we'll take whatever position we're going to
7 take.

8 COUNCILMAN MARIANO: How about we just
9 vote on the amendment as it stands? I'll vote
10 against the amendment if it has to be come to it.

11 COUNCILMAN NUTTER: That's your call.
12 I mean can't do anything about that.

13 COUNCILWOMAN KRAJEWSKI: Would the
14 Councilman be willing to withdraw his amendment to
15 another time?

16 COUNCILMAN MARIANO: Do you want to
17 withdraw your amendment till we get in front of --

18 COUNCILMAN COHEN: I would be happy to
19 withdraw the amendment if another hearing would be
20 called very promptly. I have no reason not to
21 want the administration to discuss the amendment
22 specifically.

23 COUNCILMAN NUTTER: Yeah. I'm not
24 arguing their case; I just want to know --

25 COUNCILMAN COHEN: I would be --

1 COMMITTEE ON LABOR & CIVIL SERVICE - Bill 970212

2 COUNCILMAN NUTTER: 'Cause the thing is
3 going to end up on the floor one day. I just want
4 to know what I'm voting for.

5 COUNCILMAN COHEN: All I'm trying to do
6 is to avoid making a decision before this
7 amendment is considered.

8 COUNCILMAN NUTTER: Right.

9 COUNCILMAN MARIANO: Let me just ask
10 you this: If he withdraws the amendment and we
11 vote this out of committee, we can have a
12 discussion on the floor, too.

13 COUNCILMAN NUTTER: You can have a
14 discussion on the floor but you're not going to be
15 able to ask -- you're not going to have testimony.

16 COUNCILMAN MARIANO: All right.

17 COUNCILMAN NUTTER: They can send a
18 letter, but you're not going to have the Finance
19 Director or the other guy at the table to ask
20 questions. That's all I'm saying.

21 COUNCILMAN MARIANO: I'm going to
22 convene this public meeting to the call of the
23 Chair and leave it just where it is.

24 COUNCILWOMAN CLARK: So you're not
25 going to report it out; you're going to leave it

1 COMMITTEE ON LABOR & CIVIL SERVICE - Bill 970212
2 where it is.

3 COUNCILMAN MARIANO: We're going to
4 leave it just where it is, all right? And when we
5 get Hayllar and them back over, we'll do it.

6 COUNCILMAN COHEN: How about the second
7 one?

8 COUNCILMAN MARIANO: There's nothing on
9 the second one.

10 COUNCILWOMAN CLARK: Wait a minute, say
11 it on the record.

12 COUNCILMAN MARIANO: Well, the second
13 one, well, that -- that convenes our public
14 meeting. And the second bill, before we convene
15 the public meeting, that was just a bill that
16 Councilman Kenney withdrew, and we just had the
17 testimony on it, so that stays on the record.

18 COUNCILWOMAN CLARK: Well, put the
19 number on the record.

20 COUNCILMAN MARIANO: 970212 is
21 withdrawn, okay, by Councilman Kenney.

22 Thank you. That convenes the Labor and
23 Civil Service.

24 COUNCILWOMAN CLARK: Well, wait a
25 minute. What happened on the resolution?

1 COMMITTEE ON LABOR & CIVIL SERVICE - Bill 970212

2 COUNCILMAN MARIANO: Angel didn't want
3 to do it.

4 COUNCILWOMAN CLARK: Okay, then you got
5 to say it on the record because it was advertised.
6 These three were advertised so you got to dispose
7 of all three of 'em.

8 COUNCILMAN MARIANO: Okay. And the
9 Resolution No. 980154 was being held by the
10 request of Councilman Ortiz, who submitted it.

11 Thank you.

12 COUNCILWOMAN CLARK: Thank you.

13 COUNCILMAN MARIANO: Thanks for your
14 help.

15 (Adjourned at 1:15 p.m.)

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RE: COUNCIL COMMITTEE ON LABOR AND CIVIL SERVICE

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BILL NO.'S 960598, 970212

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JOSEPHINE CARDILLO,

Registered Professional Reporter