

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

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, March 5, 2013
10:25 a.m.

PRESENT:

COUNCILWOMAN MARIAN B. TASCIO, CHAIR
COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN DAVID OH
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILL 130004 - An ordinance enacting a new
Chapter 9-3300, entitled "Promoting Healthy
Families and Workplaces," to provide that
certain employees are entitled to paid
leave...

- - -

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COUNCILWOMAN TASC0: Good

3

morning. I'd like to call the Committee

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on Public Health and Human Services to

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order and note that we have a quorum in

6

the presence of Councilman Dennis

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O'Brien, Councilman Greenlee,

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Councilwoman Maria Quinones-Sanchez.

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Other Councilmembers will join us

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shortly.

11

I'd like to have the Clerk read

12

the bill, please.

13

THE CLERK: Bill No. 130004, an

14

ordinance enacting a new Chapter 9-3300,

15

entitled "Promoting Healthy Families and

16

Workplaces," to provide that certain

17

employees are entitled to paid leave, all

18

under certain terms and conditions.

19

COUNCILWOMAN TASC0: Thank you

20

very much.

21

The Chair now recognizes

22

Councilman Greenlee for a statement, who

23

is the sponsor of this bill.

24

COUNCILMAN GREENLEE: Thank

25

you, Madam Chair. I'll be brief, because

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2 I know there's a lot of people who want
3 to express their opinion on this today.

4 I just want to focus on one
5 word as we open up, and that's
6 "fairness." It's a word used a lot. The
7 Administration uses it a lot. It's even
8 on their brochures for AVI, although some
9 might dispute that description, but
10 that's a conversation for another day.

11 This bill before us today is,
12 at its essence, about fairness and the
13 opposite, unfairness. It's fair to treat
14 all workers with respect and provide them
15 with decent working conditions. It's
16 unfair, however, in my opinion, for over
17 180,000 workers in Philadelphia who can't
18 just take a few paid days off to take
19 care of their health or the health of
20 their family.

21 It's unfair that if you come to
22 work in a suit, you're more likely to get
23 paid sick days, but if you work in a
24 smock, a service uniform or an apron --
25 and, by the way, probably get paid

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2 less -- you don't have such a right.

3 It's fair to hear all sides on
4 an issue, and we have had numerous
5 meetings over the past few years with
6 groups of businesses and individual
7 business people, including just this past
8 week when the Restaurant Association was
9 kind of shocked when I walked in the
10 room. And this folder in front of me has
11 all the various correspondences I've had,
12 save the ones that just call me a commie
13 pinko, that talk about this bill, and as
14 a result, we have offered over -- we have
15 offered 23 changes to this bill. And I
16 had to change this after I wrote it,
17 because it was 22 and then we just put
18 another one in. Twenty-three changes to
19 the bill that have been suggested through
20 those meetings.

21 So we have been listening.
22 And, by the way, some of those changes
23 are not necessarily supported by all the
24 bill's advocates, but, again, we are
25 trying to be fair.

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2 However, it's unfair, I must
3 say, for an Administration, who talks a
4 lot about health in other settings and
5 also about transparency and open
6 government, to not have the Health
7 Commissioner come speak to this Council's
8 Health Committee on the health aspects of
9 this bill and to do very little -- make
10 very little attempt to engage the sponsor
11 of this bill in any dialogue.

12 Fairness - I believe it's
13 something we should always strive to
14 achieve in what we do here in Council.

15 We will hear a lot of testimony
16 on both sides of this issue today. I
17 firmly believe and in the end, this
18 Committee will see that this is a fair
19 bill and that subsequently the full City
20 Council will join the growing numbers of
21 cities and states that have made earned
22 paid sick leave the law.

23 Thank you, Madam Chair.

24 (Applause.)

25 COUNCILWOMAN TASC0:

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2 Councilwoman Sanchez.

3 COUNCILWOMAN SANCHEZ: Thank
4 you, Madam Chairwoman.

5 I just wanted to ask if
6 Councilman Greenlee could lay out some of
7 your amendments in case people are coming
8 to speak to them. If they address some
9 of the issues, it might limit some of the
10 testimony.

11 COUNCILMAN GREENLEE: All
12 right. Thank you, Councilwoman. I'll
13 start out by the ones that we've done the
14 most recently, which is -- see, we
15 changed so much, I get different sheets
16 all the time.

17 First, we changed the meaning
18 or the definition of small businesses to
19 mean an employer that hires more than
20 five but fewer than 20 employees.
21 Previously it was ten. By the way, that
22 was one that some people on this side of
23 the room do not agree with me on, but,
24 again, we're trying to be fair and to
25 listen to people.

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2 We clarified that employers
3 only need to keep employee records for
4 three years. Originally it was five.

5 We clarified that paid sick
6 leave accrues on the effective date of
7 the ordinance as to an employee who is
8 employed as of such the effective date.
9 An employee who becomes employed after
10 the effective date shall accrue paid sick
11 leave at the commencement of employment.

12 And we clarified language to
13 require that the employee provide notice
14 to the employer of the use of sick time
15 before the start of the employee's
16 scheduled work hours or as soon as
17 practicable. And that's really -- there
18 was some concern that people could take
19 just two days off and not have to respond
20 at all to their employer and just come in
21 on the third day. That was certainly not
22 our intent, and it's certainly not the
23 intent of this bill. So I think that
24 language I think further clarifies that.

25 Just in the past, we have done

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2 things like excluded collective
3 bargaining, excluded pool employees,
4 excluded interns. We've clarified the
5 language of paid time off.

6 We have made a lot of other
7 changes. I don't know if I have to go
8 into all the rest, but I wanted to go
9 into particularly those last ones,
10 because that came up in some of our later
11 meetings. And if there's any other
12 questions about any amendments, I'm
13 certainly happy to provide them.

14 Thank you.

15 COUNCILWOMAN TASC0: Let me
16 recognize that Councilwoman Cindy Bass
17 has joined the Committee.

18 There are 13 panels, and then
19 folk who have not signed up will probably
20 want to speak. If you have not signed up
21 to speak, please see the Clerk over to my
22 left and add your name to the list. And
23 because we do have so many witnesses,
24 we're going to limit your comments to two
25 minutes. And if you've heard someone say

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2 the same thing that you're going to say,
3 please try to be briefer than two minutes
4 and then we won't be here until
5 nighttime.

6 And we ask you to respect the
7 witness who is testifying, whether you
8 agree or disagree. This is a public
9 hearing and that is open to all citizens
10 of Philadelphia, and whether you agree
11 with them or not, each person has a right
12 to express his or her opinion on this
13 piece of legislation, and we expect all
14 of you, which I know you will do, will
15 respect that process.

16 So now we will call Alan
17 Greenberger from the Commerce Department.

18 (Witness approached witness
19 table.)

20 COUNCILWOMAN TASC0: Good
21 morning. Would you state your name for
22 the record, please, and please proceed
23 with your testimony.

24 DEPUTY MAYOR GREENBERGER: Good
25 morning, Madam Chair and members of

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2 Council and this Committee. My name is
3 Alan Greenberger. I'm Deputy Mayor for
4 Economic Development and the Director of
5 Commerce. I will do my best to compress
6 this out of respect for your timing.

7 The first thing I want to do is
8 acknowledge that there's a commendable
9 intent to this bill. We've always
10 thought that. We said it two years ago,
11 and I want to reinforce that again. It
12 makes sense on many, many levels.

13 However, the strategy that's
14 suggested in this legislation when it's
15 imposed at the municipal level as opposed
16 to the state or, more importantly
17 possibly for Philadelphia, the national
18 level, we believe will create a
19 significant disadvantage for Philadelphia
20 businesses and competitiveness of our
21 city's economy.

22 The legislation would make it
23 more difficult for Philadelphia
24 businesses, likely resulting in
25 significant loss of job opportunities for

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2 the very workers the bill is intended to
3 help.

4 I recognize that the bill we
5 are discussing today is a modified
6 version of Bill 080474 that this
7 Committee heard in March of '11. This
8 bill has addressed some of those problems
9 that were outlined in my testimony two
10 years ago, but the fact remains we
11 believe that this bill will still hurt
12 our ability to compete in the global
13 marketplace as we attempt to grow our
14 economy.

15 Two years ago, some members of
16 Council expressed concerns during the
17 course of the debate of this issue
18 regarding the need for a detailed
19 economic analysis of the bill's likely
20 actual economic impact, and to this end,
21 the Chamber of Commerce commissioned an
22 analysis by Dr. William Dunkelberg,
23 Professor of Economics at Temple. His
24 analysis concluded that employees' use of
25 paid sick leave, the cost of substitute

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2 workers to replace those sick workers,
3 and the administrative costs of business
4 compliance with the bill would cost
5 Philadelphia businesses hundreds of
6 millions of dollars annually and lead to
7 the loss of thousands of jobs. And
8 although this analysis was prepared on
9 the requirements outlined in the previous
10 bill, Professor Dunkelberg's analysis
11 still largely applies to this proposed
12 legislation. The analysis projects
13 hundreds of millions in costs for
14 Philadelphia businesses, and although the
15 conclusions of Professor Dunkelberg's
16 study are clear, this bill proposes
17 modified guidelines whose impact has not
18 yet been analyzed.

19 We received a number of calls
20 and e-mails from employers and
21 representatives of business organizations
22 regarding the legislation. In
23 particular, representatives of small and
24 medium-sized businesses have told us that
25 they have very significant concerns about

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2 the burdens that will be placed on them.

3 You'll hear from many of them later. The

4 businesses that have reached out to us

5 represent different industries -

6 professional services, hospitality,

7 facilities management, accounting, food

8 services and more. Many of these

9 businesses are minority and women-owned,

10 and many struggle to remain in business

11 even with the increased cost that this

12 legislation would impose.

13 Small and medium-sized

14 employers will likely be hardest hit,

15 from personal service providers like

16 hairdressers, nail salons, and barbers to

17 non-profit organizations serving

18 communities like churches and CDCs.

19 These employers told us they might have

20 to reduce the pay for their employees or

21 reduce jobs to cover the cost of paying

22 replacement workers to do the work of

23 employees who make use of the sick leave.

24 Businesses, even those that

25 already do provide sick leave, also

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2 expressed concerns that the cost of
3 administering the program would be
4 significant, as many don't have
5 sophisticated payroll systems that allow
6 for the type of detailed tracking that's
7 required by this legislation. Employers
8 who already provide sick leave would have
9 to change existing policies such as
10 defining family as an individual whose,
11 quote, close association with the
12 employee is equivalent of a family
13 relationship. This type of wording is
14 subject to interpretation and difficult
15 for us to enforce.

16 Businesses that have an office
17 in surrounding counties as well as
18 Philadelphia would have to maintain
19 different policies for the Philadelphia
20 office than for other offices. Some
21 firms that offer employee benefits like
22 healthcare and profit-sharing may be
23 inclined to convert employees to
24 independent contractors, so-called
25 1099's, at an hourly rate to avoid sick

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2 leave proposed here, which would also
3 reduce benefits. Employers we heard from
4 also suggested that the cost of this
5 requirement might lead to increased rates
6 or prices for their customers.

7 The feedback we received from
8 affected businesses is consistent with
9 the results of studies measuring the
10 effects of the imposition of such
11 requirements elsewhere. And it's in my
12 testimony. On the interest of time, I'm
13 going to skip over that.

14 It's the goal of this
15 Administration to make it easier to do
16 business in the City of Philadelphia in
17 order to increase our competitiveness
18 vis-a-vis the suburbs and other cities,
19 and working with Council, I believe we've
20 made significant progress. We've
21 streamlined certain business regulations.
22 We've reduced the tax burden together,
23 particularly on small businesses, as we
24 continue to make Philadelphia a place of
25 choice for businesses.

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2 This proposal, as one more cost
3 of businesses already dealing with a
4 difficult economy, would not only impose
5 another real burden, but would further
6 the poor business climate reputation that
7 we've been working to reverse, and
8 frankly, we'll never know who chose not
9 to come to Philadelphia because of this
10 reputation.

11 Many comparisons are made to
12 other cities that have done this that
13 typically have very significantly
14 different economic health than we do.
15 San Francisco, Washington, Seattle, to
16 name the three that are most important
17 here. But what I'd like to do is make
18 mention of something that happened
19 recently.

20 The Administration has made
21 continued efforts to create new job
22 opportunities in Philadelphia, and by the
23 way, we thank Council for its partnership
24 on this work. Most recently, in 2012 the
25 Mayor appointed a Jobs Commission, which

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2 earlier this year released a report with
3 15 recommendations for job creation,
4 which we're studying very carefully. A
5 number of the recommendations are related
6 to creating incentives for and reducing
7 the burdens on businesses in
8 Philadelphia. Small businesses, which
9 would be particularly impacted by this
10 bill, were highlighted as a catalyst for
11 new job creation. To quote the report,
12 quote, As small businesses grow in
13 prominence as job creators, it's all the
14 more important for the City to be
15 perceived as a location of choice for
16 small businesses. City decisions about
17 taxes, regulation, infrastructure, and
18 services can go a long way toward
19 creating either a thriving or
20 debilitating environment for small
21 businesses, either helping or hurting
22 their ability to create and retain jobs
23 for residents.

24 I've already discussed why
25 adopting this proposal specific only to

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2 Philadelphia would make us

3 anti-competitive. National and even

4 statewide requirements would, of course,

5 overcome much of this problem, and as I

6 mentioned, as compared to San Francisco

7 and Washington, the number of jobs we

8 have per hundred people is significantly

9 lower. Our unemployment rate is

10 chronically higher.

11 Furthermore -- and I'm relating

12 now to the City of Washington. I

13 apologize. I'm skipping through in the

14 interest of time.

15 Furthermore, even with the

16 higher concentration of jobs, for

17 example, in Washington, they enacted less

18 rigorous paid leave requirements than

19 those outlined in this bill, applying the

20 law to employees after completing a year

21 of working for the same employer without

22 a break other than regular holiday, sick

23 or personal leave as opposed to 90 days.

24 Washington, DC also exempts bartenders

25 and restaurant wait staff who work for

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2 combinations of wages and tips.

3 It's also important to note
4 that although proposals such as this have
5 been adopted in the three cities I
6 mentioned, similar proposals have been
7 considered but not adopted in many cities
8 and states where it's been proposed and
9 advocated, such as New York City and
10 states such as California, Illinois,
11 Massachusetts as well as Pennsylvania.
12 This is largely because of the
13 recognition of the anti-competitive
14 burden that this places on a particular
15 area.

16 As I noted in the beginning of
17 my testimony, the intent of helping
18 workers, particularly low-income workers,
19 support their families with the benefit
20 of paid sick leave is something we all in
21 concept support. In this economy,
22 however, we have serious concerns that
23 the passage of this legislation would now
24 run counter to the larger and more
25 pressing objective of the City

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2 government, the creation of jobs to meet
3 the needs of Philadelphians.

4 That's the end of my testimony.
5 I'll be happy to answer your questions.
6 I apologize for running over the two
7 minutes.

8 COUNCILWOMAN TASC0: Thank you
9 very much.

10 Are there questions?
11 Councilman Greenlee.

12 COUNCILMAN GREENLEE: Thank
13 you, Madam Chair.

14 Mr. Greenberger, good morning.
15 First, since you're the one representing
16 the Administration here, I have to first
17 ask this question: Dr. Schwarz was asked
18 to come to this hearing. He refused to
19 come, basically said Commerce is carrying
20 the whole ball on this, words to that
21 effect.

22 This is the Health Committee.
23 Do you not acknowledge that there is at
24 least a health aspect? I acknowledge the
25 economic aspect. Why won't the

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2 Administration acknowledge a health
3 aspect to this?

4 DEPUTY MAYOR GREENBERGER: I
5 wish I could answer you. I didn't talk
6 to Dr. Schwarz about this.

7 COUNCILMAN GREENLEE: Come on,
8 Mr. Greenberger.

9 DEPUTY MAYOR GREENBERGER: I
10 didn't.

11 COUNCILMAN GREENLEE: Come on.
12 Come on. Come on.

13 (Applause.)

14 DEPUTY MAYOR GREENBERGER: Of
15 course there's a health aspect to it.

16 COUNCILMAN GREENLEE: Okay.
17 And I will mention in your seven-page
18 testimony you mention health once, one
19 time. And this is my concern. Since you
20 don't know, I'm going to take I think an
21 educated guess, right? We were going to
22 subpoena Dr. Schwarz here, and I didn't
23 think that was fair, because I think
24 Dr. Schwarz is an honorable man who would
25 have come here and told the truth, and

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2 the truth is that a big part of this
3 issue is about the health of
4 Philadelphians, the health of low-income
5 workers. And to steal Jack Nicholson's
6 line, you can't handle the truth. Okay?

7 (Applause.)

8 COUNCILMAN GREENLEE: And I
9 have to tell you -- and I'm sorry. If it
10 wasn't your decision, you can relay this
11 to whoever's decision it was, because I
12 still believe it wasn't Dr. Schwarz. I
13 think this is one of the most
14 disrespectful things that City Council
15 has -- I mean, that the Mayor has ever
16 done to City Council with a mayoral
17 administration. To not have the Health
18 Commissioner come to the Health Committee
19 hearing is to me totally disrespectful,
20 and I think it says a whole lot --

21 (Applause.)

22 COUNCILMAN GREENLEE: And I
23 think it says a whole lot about this
24 great transparency that this
25 Administration talks ad nauseam about.

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2 Okay? So let me start out with that.

3 And if you could relay that to the proper
4 people, I'd appreciate it.

5 DEPUTY MAYOR GREENBERGER: I
6 will do that.

7 COUNCILMAN GREENLEE: Let me
8 just ask about -- you talk a lot about
9 the perception, the anti-business
10 perception and whatever, and I know you
11 weren't with the Administration at that
12 time, but you probably remember this, and
13 I certainly remember this. There was a
14 bill that banned smoking in most
15 restaurants in the City. The argument
16 used was, we should not pass that bill
17 because it will be a perception, an
18 anti-business perception, that all these
19 businesses would then go to the suburbs,
20 that it would hurt the competitive level.
21 And let me guess now. The sponsor of
22 that bill was Councilman Michael Nutter.
23 Okay? But he made the argument -- and I
24 think it was a good argument at the
25 time -- that it was about health, that

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2 the people's health should take priority,
3 and there was proof that it was a health
4 risk to have smoking in establishments.

5 I think it's been proved that
6 it's a health risk to have people come to
7 work with the flu and spread it to their
8 co-workers and to other customers.

9 (Applause.)

10 COUNCILMAN GREENLEE: Again,
11 I'll ask you, what's the difference now?
12 Why was the perception not a problem then
13 and it's such a problem now?

14 DEPUTY MAYOR GREENBERGER: I
15 would answer you two points, and they're
16 debatable points. I freely admit that.
17 One is that we're running a high 10,
18 sometimes 11 percent unemployment rate.
19 So the opportunity for other jobs for
20 people who might be affected by this is
21 much more limited than it is in other
22 cities, and that unemployment rate is
23 chronic. Even though our economy appears
24 to be doing better and there's more
25 things happening, we're still running a

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2 chronically high unemployment rate, and
3 that's different than it was back then,
4 although I couldn't quote you on a real
5 number back then.

6 COUNCILMAN GREENLEE: I think
7 we had a pretty good unemployment rate
8 back then too, because I remember that
9 was an argument -- whether it was the
10 same number, I don't know.

11 DEPUTY MAYOR GREENBERGER: I
12 don't think it's the same number.

13 But the other point I would say
14 is that, look, I think there are
15 differences, one to the other. I'm not
16 going to defend -- I think the
17 anti-smoking thing made perfect sense,
18 but I can't defend what I wasn't around
19 for. It made sense to me at the time.

20 Some issues are going to hit
21 more employers differently than other
22 issues, and I think there are
23 differences. This one is going to hit a
24 great many employers. And I think what
25 is going to happen -- and, again, I can't

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2 prove something that didn't happen, but
3 what I think will happen at least for
4 current employers who would be affected
5 by this is that they're going to figure
6 out how do I deal with it, because it's
7 going to cost them something in a
8 business environment that's fairly
9 fragile in many cases. Some will just do
10 it. They'll just do it. Some will
11 probably ignore the law, and it's going
12 to be hard for us to find them. And I
13 think a majority in the middle are going
14 to try to figure out workarounds. The
15 workarounds may be the reduction of jobs.
16 We're concerned about that, and we're
17 concerned that in the process of reducing
18 jobs, people may not be able to find
19 other gainful employment, or the making
20 of more temporary jobs or the making of
21 more 1099 folks.

22 And the other one that -- this
23 is the part that I can't prove one way or
24 the other and, frankly, nobody in this
25 room can, is that there are things that

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2 create a broader business climate that
3 looks undesirable. And I can't tell you
4 how many people are going to say, You
5 know what, I just don't want to be in the
6 City of Philadelphia, as a result of an
7 accumulation of regulation that they
8 consider problematic and costly to them.
9 I can't prove it. You can't prove it.
10 None of us can prove that one way or the
11 other. That's the basis of our concern.
12 It's not the merits of the idea.

13 COUNCILMAN GREENLEE: All I can
14 say, Mr. Greenberger, I was working in
15 Council when that smoking ban was passed,
16 and they were the exact same arguments.
17 They were the exact same arguments why we
18 shouldn't do it.

19 DEPUTY MAYOR GREENBERGER: I
20 hear you.

21 COUNCILMAN GREENLEE: So I
22 guess my question would be -- and the
23 restaurant industry was one of the
24 ones -- obviously in the smoking ban, it
25 was directly on the restaurant industry.

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2 DEPUTY MAYOR GREENBERGER: Yes,
3 it was.

4 COUNCILMAN GREENLEE: And
5 somehow there was a real different feel
6 from some key people at that time. And I
7 don't think this situation is that much
8 different. Maybe it's a little worse
9 now, but wouldn't you agree if this
10 economic situation is bad for employers,
11 it's also bad for employees, particularly
12 for low-income employees?

13 DEPUTY MAYOR GREENBERGER:
14 Sure. It's bad for everybody.

15 (Applause.)

16 COUNCILMAN GREENLEE: So don't
17 we have to balance that too? And, again,
18 I didn't notice that in your testimony.
19 You just talked about businesses.

20 DEPUTY MAYOR GREENBERGER:
21 Well, that's my job.

22 COUNCILMAN GREENLEE: And this
23 is the Health Committee where, again, I
24 repeat, apparently only the
25 Administration saw fit to send one

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2 person, one speaker.

3 You mentioned Dr. Dunkelberg's
4 report, and if memory serves me right, he
5 assumed in those reports that everybody,
6 every worker would take every single
7 available day. So that certainly
8 increased the number, the money figure,
9 that came out. Do you know that there's
10 studies that show that people who get
11 paid sick days now take an average of 2.3
12 paid sick days a year?

13 DEPUTY MAYOR GREENBERGER: I'm
14 aware that such studies exist, yes.

15 COUNCILMAN GREENLEE: So that
16 would change Dr. Dunkelberg's report
17 pretty significantly, wouldn't it?

18 DEPUTY MAYOR GREENBERGER: It
19 could.

20 COUNCILMAN GREENLEE: It could?
21 It would, right? I mean --

22 DEPUTY MAYOR GREENBERGER: I
23 mean, it depends on which report you
24 believe. I mean, you know, it's very
25 hard to get to the bottom of science and

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2 prediction on this. It's not scientific.

3 It's everybody trying to make educated

4 guesses based on data available about how

5 people will react. Extremely hard to do.

6 So --

7 COUNCILMAN GREENLEE: But it's

8 not -- I'm sorry.

9 DEPUTY MAYOR GREENBERGER: No;

10 go ahead.

11 COUNCILMAN GREENLEE: I guess

12 it's scientific, but I think it's pretty

13 well agreed that if somebody comes in to

14 work sick, first they're very likely to,

15 because they didn't take care of their

16 illness for that one or two days, to be

17 sick for longer periods of time, less

18 productive, and spread whatever their

19 illness is. Remember, we had all those

20 posters all over the place, if you're

21 sick, stay home, you know. But in

22 Philadelphia, it should say, 180,000 of

23 you, you won't get paid. And, again, I'm

24 getting back to my open statement. Is

25 that fair?

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2 DEPUTY MAYOR GREENBERGER:

3 As --

4 COUNCILMAN GREENLEE: Just
5 think about a citizen --

6 DEPUTY MAYOR GREENBERGER: I
7 can answer your question.

8 COUNCILMAN GREENLEE: As
9 yourself as a citizen for a minute --

10 DEPUTY MAYOR GREENBERGER: I'm
11 going to answer your.

12 COUNCILMAN GREENLEE: -- and
13 not just the Commerce Director. Go
14 ahead.

15 DEPUTY MAYOR GREENBERGER: As I
16 said at the very beginning, the idea is
17 the right idea. This should be universal
18 paid sick leave. My argument is that
19 when we do it in the City of Philadelphia
20 as opposed to the larger level, there's a
21 consequence, and the consequence is that
22 it hurts our competitiveness that may, we
23 believe and we worry, result in less jobs
24 for businesses associated with ones that
25 were here and the possibility that we

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2 think is very real that businesses will
3 be scared off from coming here when they
4 have choices. That's the issue for us.
5 It's not whether the bill makes sense or
6 fair. It's commendable.

7 COUNCILMAN GREENLEE: Okay.
8 But you're still against it, right?

9 DEPUTY MAYOR GREENBERGER: I'm
10 pointing out a consequence of it.

11 COUNCILMAN GREENLEE: Just one
12 other thing, Madam Chair. I'm sorry.
13 I'm taking a lot of time here, but I
14 think this is important.

15 I know you talk about other
16 cities, and particularly San Francisco
17 has had the longest. Do you know, if you
18 researched it, that the same arguments
19 were used in San Francisco against this
20 law and that overwhelmingly now -- no
21 bill can take care of every single
22 scenario -- that overwhelmingly,
23 including the Restaurant Association,
24 which I think is called the Golden Gate
25 Association out there, has said that they

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2 have not seen significant problems,
3 people had not cheated, people have not
4 taken over time off? And why do you
5 think -- I mean, do you think San
6 Francisco employees are more honest than
7 Philadelphia employees?

8 DEPUTY MAYOR GREENBERGER: No.
9 I've done work in San Francisco. I would
10 say no, that's not the case.

11 COUNCILMAN GREENLEE: All
12 right.

13 DEPUTY MAYOR GREENBERGER: San
14 Francisco -- the only difference I could
15 point to is that San Francisco is a very,
16 very healthy economy compared to ours,
17 significantly healthier. Unemployment
18 rate --

19 COUNCILMAN GREENLEE: So that
20 would mean people wouldn't take time off
21 if they're sick?

22 DEPUTY MAYOR GREENBERGER: No.
23 It means that the options for everybody
24 are balanced than they are here, the
25 ability to get other work. I'm delighted

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2 that it's working out there, but I do
3 think the economic basis of the City do
4 have an impact on the decision, and
5 that's really what we're trying to point
6 out. I think had we -- had this been a
7 very different economic climate for
8 Philadelphia, our point of view might be
9 different, but we're dealing with a very
10 severe problem.

11 COUNCILMAN GREENLEE: Last
12 thing. I know I said this to you the
13 last time you came. I know you said your
14 position wouldn't be different, but let's
15 be honest, don't you think the argument
16 would be, Oh, the economy is going so
17 good, now why are you doing this bill to
18 slow all the good stuff down?

19 DEPUTY MAYOR GREENBERGER:
20 Listen, you know what? Somebody would
21 say that. I don't know that it would be
22 us. I mean, I can't know. It's a
23 different -- it's a very different world.

24 COUNCILMAN GREENLEE: Okay.

25 DEPUTY MAYOR GREENBERGER: But

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2 I'm sure it would be said by somebody.

3 COUNCILMAN GREENLEE: I'm sure
4 it would too.

5 Thank you, Madam Chair.

6 COUNCILWOMAN TASC0: Thank you.

7 Let me recognize Councilwoman
8 Blondell Reynolds Brown, who is a member
9 of this Committee, is here. I would
10 recognize Councilman Goode and
11 Councilwoman Blackwell who are at their
12 seats.

13 I will call on the members of
14 the Committee first and then we'll call
15 on you, Councilman Goode.

16 Councilwoman Maria.

17 COUNCILWOMAN SANCHEZ: Thank
18 you, Mr. Greenberger. In your statement
19 you talk about the impact of small and
20 medium-sized employers would likely be
21 the hardest hit. In light of the fact
22 that some of the amendments, which I
23 worked on myself around mom-and-pops, and
24 Councilman Greenlee's willingness to move
25 the employer number to 20, do you still

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2 feel that way? And if so, can you give
3 me some examples? You list personal
4 service providers like hairdressers, nail
5 salons, and barbers and non-profits
6 serving communities like churches and
7 community development. So I want to
8 separate those two, because there's an
9 expectation that non-profits and CDCs are
10 providing sick leave, or should be based
11 on our other laws. But can you talk to
12 that? Is this amendment not enough?

13 DEPUTY MAYOR GREENBERGER: Our
14 concern is that it's not enough. You
15 know, I apologize for repeating myself.
16 I can't -- we're not in a position where
17 we can draw a line and say on this side
18 of the line everything is okay and on
19 that side of the line it's not. We're
20 aware that there are a lot of small
21 businesses out there that have fairly
22 archaic recording systems for all this.
23 We're aware that there are other
24 jurisdictions like the State of
25 Connecticut that have passed these kind

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2 of laws and their cut-off line was 50 or
3 more employees.

4 So I don't -- I wish I could
5 tell you that there's a very clear line
6 where this exists, where we think impacts
7 are greatly lessened. I think the
8 amendments that were offered certainly
9 are heading in the right direction. I
10 think it might be worth just one more
11 look at some of these cities, Washington,
12 DC, for instance, and State of
13 Connecticut to see what they've done and
14 measure this against that to satisfy
15 yourselves that you've put the line in
16 the right place.

17 COUNCILWOMAN SANCHEZ: Well,
18 obviously as a legislator, it's always
19 hard to figure out where that line is.
20 We end up legislating for the bad actors,
21 not the good actors.

22 DEPUTY MAYOR GREENBERGER: We
23 understand.

24 COUNCILWOMAN SANCHEZ: So we're
25 talking about the bad actors. Again,

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2 when you make a statement like that,
3 small and medium-sized, when I think of
4 personal service providers, a hair
5 dresser, salons, the barber, the bodegas,
6 in our case when we looked at the
7 mom-and-pops, we felt like that exemption
8 for those smaller ones, but now we're
9 talking at 20 employees. Someone who has
10 more than 20 employees I would hope is
11 keeping good records for the purposes of
12 paying their other taxes.

13 You talk about churches and
14 community development corporations were
15 potentially receiving public funding. So
16 how are they hurt? Because shouldn't
17 they be setting the example about having
18 some minimal sick leave?

19 DEPUTY MAYOR GREENBERGER: I
20 would hope. I mean, I can't speak for
21 every single one that's out there. I
22 would hope that they're doing this on
23 their own, but I don't know whether they
24 are or they aren't.

25 COUNCILWOMAN SANCHEZ: Okay.

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2 Thank you.

3 Thank you, Madam Chair.

4 COUNCILWOMAN TASC0: The Chair
5 recognizes Councilman Goode.

6 COUNCILMAN GOODE: Thank you,
7 Madam Chair.

8 Good morning, Mr. Greenberger.

9 DEPUTY MAYOR GREENBERGER: Good
10 morning.

11 COUNCILMAN GOODE: The first
12 question is a simple question. It's
13 meant to be as basic as it sounds.

14 Is this bill good for workers
15 that don't have paid sick leave?

16 DEPUTY MAYOR GREENBERGER: Sure
17 it is.

18 COUNCILMAN GOODE: So the bill
19 is good for workers who don't have paid
20 sick leave, but it's bad for employers
21 who don't offer it?

22 DEPUTY MAYOR GREENBERGER: I
23 think that what we're looking at is less
24 the impact on the employers -- well, let
25 me put it this way: We're looking at the

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2 impact on employers that ultimately leads
3 to fewer jobs. That's our baseline
4 concern.

5 COUNCILMAN GOODE: So you can
6 see that the bill is good for workers
7 that don't have paid sick leave?

8 DEPUTY MAYOR GREENBERGER: Yes.
9 Sure.

10 COUNCILMAN GOODE: But bad for
11 employers who don't offer it?

12 DEPUTY MAYOR GREENBERGER:
13 Because it may lead to fewer jobs in the
14 City of Philadelphia, but, yes.

15 COUNCILMAN GOODE: What if it
16 was good for both?

17 DEPUTY MAYOR GREENBERGER: I'm
18 sorry. Say again.

19 COUNCILMAN GOODE: What if it
20 was good for both?

21 DEPUTY MAYOR GREENBERGER: If
22 it was good for both, I'd love to hear
23 those proposals.

24 COUNCILMAN GOODE: I said what
25 if this bill is good for both employers

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2 and employees?

3 DEPUTY MAYOR GREENBERGER:

4 Okay. And I would --

5 COUNCILMAN GOODE: What if.

6 DEPUTY MAYOR GREENBERGER: That
7 would be a great thing, and the question
8 is, is it? And our fear is that it is
9 not.

10 COUNCILMAN GOODE: Your fear is
11 that it is not, but you don't know that
12 it is not?

13 DEPUTY MAYOR GREENBERGER: I
14 don't know that it's not any more than
15 anybody knows that it is okay.

16 COUNCILMAN GOODE: So you don't
17 know that this bill is not good for both
18 employers and employees?

19 DEPUTY MAYOR GREENBERGER:

20 Correct.

21 COUNCILMAN GOODE: Okay. How
22 do you determine whether it is or isn't?

23 DEPUTY MAYOR GREENBERGER:

24 Well, that's a hard question to answer,
25 because one way to determine it -- I

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2 understand that one way you determine it
3 is to do it and see what happens.

4 COUNCILMAN GOODE: I'm about to
5 go there.

6 Shouldn't the research that we
7 consider today be based upon
8 jurisdictions that have already
9 implemented it?

10 DEPUTY MAYOR GREENBERGER: I
11 think it should be based on ones that
12 have and have not. Now, research about
13 have not, you can't --

14 COUNCILMAN GOODE: From a
15 technical standpoint, shouldn't the
16 research that we consider today be based
17 upon jurisdictions that have already
18 implemented it?

19 DEPUTY MAYOR GREENBERGER: Yes,
20 and I think you need to also find out why
21 the ones who did consider it and didn't
22 do it, what their thinking was.
23 Obviously you can't --

24 COUNCILMAN GOODE: I don't care
25 what their thinking is. I want to know

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2 whether it works or not.

3 DEPUTY MAYOR GREENBERGER: I
4 understand. You can't prove something
5 that didn't happen.

6 COUNCILMAN GOODE: The question
7 is whether it works or not and whether it
8 can be good for employers and employees.
9 You don't know the answer to that
10 question. The only way to find the
11 answer to that question, in my view, in a
12 credible way, is to look at jurisdictions
13 that have already implemented it. Is
14 that correct?

15 DEPUTY MAYOR GREENBERGER: You
16 do need to start there. Absolutely.

17 COUNCILMAN GOODE: The Commerce
18 Department had a conference call last
19 week around this bill?

20 DEPUTY MAYOR GREENBERGER: I'm
21 sorry?

22 COUNCILMAN GOODE: The Commerce
23 Department had a conference call?

24 DEPUTY MAYOR GREENBERGER: Yes,
25 we did.

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2 COUNCILMAN GOODE: Did you have
3 any experts on the call?

4 DEPUTY MAYOR GREENBERGER: I
5 think we primarily had other businesses
6 on the call.

7 COUNCILMAN GOODE: Was --

8 DEPUTY MAYOR GREENBERGER:
9 There were a lot of people, and I could
10 get more information for you, but I don't
11 have it in front of me.

12 COUNCILMAN GOODE: Was
13 Dr. Bernard Anderson on the call?

14 DEPUTY MAYOR GREENBERGER: I'm
15 sorry?

16 COUNCILMAN GOODE: Was Dr.
17 Bernard Anderson on the call?

18 DEPUTY MAYOR GREENBERGER: Yes,
19 he was.

20 COUNCILMAN GOODE: He's a labor
21 economist?

22 DEPUTY MAYOR GREENBERGER: Yes.

23 COUNCILMAN GOODE: Did he
24 suggest that you can't analyze this
25 without looking at jurisdictions that

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2 have already implemented it?

3 DEPUTY MAYOR GREENBERGER: If
4 you can help me out here. I wasn't on
5 the call. Let me bring up Kevin Dow.

6 COUNCILMAN GOODE: I was trying
7 to get Kevin to the table anyway.

8 (Witness approached witness
9 table.)

10 MR. DOW: My name is Kevin Dow.
11 I'm the Deputy Commerce Director for the
12 Commerce Department.

13 And Dr. Anderson was on the
14 phone. He is an economist, and he did
15 suggest that we look at other
16 jurisdictions.

17 COUNCILMAN GOODE: That you
18 can't realistically in a practical way,
19 regardless of what side of the issue
20 you're on, analyze it without looking at
21 it having already been implemented.
22 That's what he said?

23 MR. DOW: I don't recall
24 exactly, but I think that was his
25 opinion, yes.

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2 COUNCILMAN GOODE: Okay. So
3 let's look at paid sick leave in other
4 places. San Francisco since 2006. Was
5 it successful?

6 DEPUTY MAYOR GREENBERGER: It
7 appears to have been okay from what I've
8 read from various studies.

9 COUNCILMAN GOODE: And
10 Washington, DC since 2008. Was it
11 successful?

12 DEPUTY MAYOR GREENBERGER: I
13 don't know.

14 COUNCILMAN GOODE: In Seattle
15 was it successful since 2011?

16 DEPUTY MAYOR GREENBERGER: I
17 can't answer for Seattle. I haven't
18 read --

19 COUNCILMAN GOODE: So you don't
20 know?

21 DEPUTY MAYOR GREENBERGER: I
22 don't know.

23 COUNCILMAN GOODE: The Jobs
24 Commission made no recommendation against
25 paid sick leave. Why do you think that

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2 is?

3 DEPUTY MAYOR GREENBERGER: I
4 don't know why they made no
5 recommendation about it.

6 COUNCILMAN GOODE: Mr. Dow?

7 MR. DOW: I believe that the
8 Job Commission did not make -- the Job
9 Commission, from my experience on that --

10 COUNCILMAN GOODE: You were
11 there.

12 MR. DOW: -- made
13 generalizations about the tax environment
14 in the City of Philadelphia and that the
15 City should look at the tax and
16 regulatory environment to determine what
17 was good or bad for businesses.

18 COUNCILMAN GOODE: You never
19 raised the issue of paid sick leave while
20 you were there?

21 MR. DOW: I don't recall.

22 COUNCILMAN GOODE: Why not?

23 MR. DOW: It was --

24 COUNCILMAN GOODE: If you think
25 that paid sick leave is a job killer, why

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2 not bring the issue to the Jobs

3 Commission?

4 MR. DOW: It never came up as a
5 topic of conversation.

6 COUNCILMAN GOODE: The meetings
7 were held -- half the meetings were held
8 in the Commerce Department; is that
9 correct?

10 MR. DOW: Correct.

11 COUNCILMAN GOODE: But the
12 issue of paid sick leave never came up,
13 although you knew the bill was coming
14 back up. You claim it's a job killer.
15 You can't prove it's a job killer. The
16 law as implemented in other jurisdictions
17 doesn't prove it's a job killer. It
18 proves the exact opposite. But your
19 testimony even refers to the Jobs
20 Commission and its recommendations, as if
21 the Jobs Commission would be against paid
22 sick leave. The reason why the Jobs
23 Commission could not be against paid sick
24 leave, because the work that we did was
25 actually based upon data. It was based

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2 upon looking at other jurisdictions. And
3 even if there were people around the
4 table who hated paid sick leave, I don't
5 believe they would have made a
6 recommendation against it because the
7 data would not have led that way. That's
8 why we didn't do it.

9 (Applause.)

10 COUNCILMAN GOODE: Thank you,
11 Madam Chair.

12 COUNCILWOMAN TASC0: Let me
13 just ask one simple question. An
14 employer has an employee who is sick.
15 The employee calls out sick and does not
16 get paid. Now, had they come in, the
17 employer would have had to pay the
18 employee. So what happens to all of the
19 expenses associated with that employee?
20 Does it add to the bottom line for the
21 employer?

22 DEPUTY MAYOR GREENBERGER: You
23 mean when the employee doesn't come in?

24 COUNCILWOMAN TASC0: Right.
25 The employee does not get paid. So the

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2 expense is not on the employer because
3 they haven't had to put out any salary
4 for the employee.

5 DEPUTY MAYOR GREENBERGER: It
6 depends on the type of business and
7 whether they need to find a replacement
8 person for that day.

9 COUNCILWOMAN TASC0: Okay. So
10 how many jobs do you think that can be
11 filled immediately with a replacement
12 worker that day?

13 DEPUTY MAYOR GREENBERGER: I
14 don't have an answer, but for that, I
15 mean, I don't -- there's no -- I don't
16 have any statistical evidence that tells
17 me what the aggregate number is. I can
18 relay some anecdotes. I was, for
19 example, talking to a doctor that we were
20 at last night about this, knowing that I
21 was going to have this testimony, and I
22 said, All right, you have people who work
23 your reception desk for you. What do you
24 do? This was a relatively small
25 practice. What do you do? And he does

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2 have what I would list as several people
3 who are on some version of part-time
4 employment for him and he tries to flex
5 it as best he can by getting other people
6 in to cover days where somebody is going
7 to be sick. He has to do it on the spot,
8 because he obviously doesn't know until
9 usually the day of. But he's been
10 somewhat successful at it. He also
11 sometimes just does without, which causes
12 whatever it causes in his practice.

13 He also -- and I've heard other
14 employers going to this -- tries to
15 present a package to his staff that is
16 less about specific sick days and more
17 about an aggregate number of days off
18 regardless of reason. So vacation, sick,
19 taking care of somebody, whatever it is,
20 he's sort of of the mindset of no
21 questions asked, just there's a set
22 number of days. And I hear more
23 employers talking about that. I don't
24 know that it solves the problem, but it's
25 an interesting idea.

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2 COUNCILWOMAN TASC0: Thank you
3 very much, but then this bill wouldn't
4 apply to him.

5 Go ahead, Councilman Greenlee.

6 COUNCILMAN GREENLEE: Thank
7 you, Madam Chair.

8 I really don't have any more
9 questions. I just wanted to bring two
10 things up. First, it was mentioned other
11 cities. There is going to be submitted
12 in the record a letter from Councilwoman
13 Gale Brewer from New York City, who is
14 the sponsor of a bill that is very
15 similar to this bill. I won't read the
16 whole thing, but she said she's the
17 sponsor of the similar bill in New York
18 City. "Our bill has the overwhelming
19 support of the City Council, with 37 of
20 51 Councilmembers signed on as
21 co-sponsors."

22 (Applause.)

23 COUNCILMAN GREENLEE: "The only
24 reason it has not yet passed in New York
25 City is because the Speaker has not yet

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2 brought the bill up for a vote."

3 Obviously we're a little bit
4 more democratic in Philadelphia. The
5 Council President would not hold a bill
6 as they would in New York.

7 And they said they have a paid
8 sick day hearing scheduled on March 22nd
9 and she anticipates a vote and passage of
10 the bill. And she just also says,
11 "Workers from all over the city have come
12 forward to talk about being fired for
13 taking one day of sick leave. Restaurant
14 and retail workers are some of the many
15 who have offered alarming stories to
16 working sick in situations that truly
17 endangered the public health."

18 So I think New York is -- I was
19 hoping, as always competitive in New
20 York, that we could pass this before, but
21 we'll see.

22 DEPUTY MAYOR GREENBERGER:

23 We'll see.

24 COUNCILMAN GREENLEE: Madam

25 Chair, if I just put on record a letter

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2 from Congress Robert A. Brady where --
3 again, I won't read the full thing. He
4 says, "I fully support Bill No. 130004
5 and hope it becomes law. Almost all of
6 us need to take leave at some point. Yet
7 many workers are not guaranteed sick
8 leave. I believe that this legislation
9 will offer important protection to those
10 Philadelphians who are without paid sick
11 leave today."

12 Thank you, Madam Chair.

13 COUNCILWOMAN TASC0: Thank you.

14 Are there any other questions
15 from members of the Committee, other
16 Councilmembers?

17 (No response.)

18 COUNCILWOMAN TASC0: Thank you
19 very much for your testimony.

20 DEPUTY MAYOR GREENBERGER:

21 Thank you, Madam Chair.

22 COUNCILWOMAN TASC0: Okay. We
23 begin with Panel 2. Dr. Claudia
24 Williams, Institute for Women's Policy
25 Research; Steve Herzenberg, Keystone

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2 Research Center.

3 (Applause.)

4 COUNCILWOMAN TASC0: Now, we
5 told you you have two minutes, and we
6 always allow the Administration longer
7 time because they're -- particularly if
8 they're opposing the bill. They have to
9 give their reasons for that.

10 So we still ask you to stick to
11 your two minutes. Two minutes each.

12 (Witnesses approached witness
13 table.)

14 MS. WILLIAMS: Good afternoon.
15 Thank you for giving me the opportunity
16 to address the question of how paid sick
17 days would impact employers, workers, and
18 families in Philadelphia. I'm Claudia
19 Williams and I'm a Research Analyst at
20 the Institute for Women's Policy
21 Research.

22 COUNCILWOMAN TASC0: First,
23 you're going to have to slow down. My
24 ears can't hear that fast.

25 MS. WILLIAMS: I wanted to say

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2 everything.

3 COUNCILWOMAN TASCO: I know
4 you're trying to do two minutes. And
5 speak into the microphone. And if you
6 can summarize it, it would be better.

7 MS. WILLIAMS: Sure.

8 We recently estimated paid sick
9 days access rates and the costs and
10 benefits of the bill that Philadelphia
11 legislature is currently considering. We
12 found that more than 180,000
13 private-sector workers in Philadelphia
14 lack even a single paid sick day. Of
15 these workers, 114,000 are eligible to
16 receive new leave under "Promoting
17 Healthy Families and Workplaces."

18 Lack of earned paid sick days
19 is especially common in jobs requiring
20 frequent contact with the public and
21 result in important health consequences,
22 like the hairdressers, the barber, the
23 manicurist, the childcare workers. Only
24 a quarter of food preparation and service
25 workers are estimated to have this

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2 benefit.

3 Our analysis of the costs and
4 benefits of the bill, as it is currently
5 drafted, reveals that it will create a
6 modest cost savings for employers due to
7 reduced cost of turnover, increased
8 productivity, and reduced contagion of
9 communicable diseases in the workplace.

10 Employers in Philadelphia are
11 estimated to expend about \$51.2 million
12 in providing paid sick days, but this
13 policy is also expected to yield benefits
14 of \$51.7 million, resulting in net
15 savings for employers of approximately
16 \$500,000 per year.

17 This research is strongly
18 supported. Between 1992 and 2007, nearly
19 a dozen of independent studies found that
20 turnover has costs for businesses up to
21 one-fifth of a worker's annual salary.
22 In addition to savings and to reduce
23 their number, reduce contagion, and
24 reduce productivity in the workplace,
25 IWPR also estimates savings of \$24

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2 million to the broader community. Part
3 of the savings are estimated to come from
4 reduced emergency department visits.
5 Workers without paid sick days are more
6 likely to seek treatment at an emergency
7 department because they can't take time
8 off to take care of themselves during
9 regular business hours. A recent study
10 that we conducted show that if all
11 workers had paid sick days in
12 Philadelphia, we could prevent 12,000
13 emergency department visits, what equal
14 savings of 10.3 million annually.

15 It is important to notice that
16 these savings are likely to be
17 underestimated, because we are only
18 estimating the economic impact of some
19 diseases, like flu and the neurovirus
20 outbreaks, but savings will be much
21 greater if we take in consideration all
22 common contagious disease.

23 We don't estimate any indirect
24 and long-term health and economic
25 benefits of paid sick days, but they are

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2 likely to be substantial.

3 Thank you for your attention,
4 and I welcome any questions or comments.

5 COUNCILWOMAN TASC0: Thank you
6 very much.

7 Would you please identify
8 yourself, sir, for the record and proceed
9 with your testimony.

10 MR. HERZENBERG: Sure. My name
11 is Stephen Herzenberg. I direct the
12 Keystone Research Center and hold a Ph.D.
13 in economics from the Massachusetts
14 Institute of Technology. I appreciate
15 the opportunity to testify today.

16 I am just going to summarize
17 some of the points that are made in my
18 written testimony. The core of my
19 written testimony runs through three
20 different categories of economic benefits
21 of paid sick days.

22 The first category of benefit
23 is, earned sick days reduce negative
24 externalities imposed on other members of
25 the community, because businesses that

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2 don't provide earned sick days don't take
3 into account those costs. People are
4 used to the idea that pollution creates
5 costs for other folks, but if employers
6 don't have to pay the cost of avoiding
7 pollution, then they'll make their
8 business decision that way. So you need
9 environmental standards enforcement to
10 eliminate those negative externalities.

11 As my colleague has pointed out
12 and others have pointed out, when people
13 go to work sick and when they send their
14 kids to daycare or to school sick, that's
15 going to increase the spread of diseases.
16 It's going to lead to lost productivity
17 for other people. It's going to increase
18 healthcare costs. Again, the individual
19 employer doesn't take those things into
20 account. That's why you need something
21 like earned sick days to internalize
22 those externalities.

23 The second category of costs --
24 or, I should say, of economic benefits of
25 earned sick days are the benefits to the

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2 individual employers. Some individual
3 employers are shortsighted and focused on
4 short-run costs. What happens when you
5 get earned sick days is, you do get lower
6 worker turnover. You get greater worker
7 loyalty, higher productivity. In the
8 end, the employer can end up better off.

9 The third category of economic
10 benefit is really related to the overall
11 economic strategy of the City. Ever
12 since labor standards were first debated,
13 the first child labor standards, there's
14 always employers in the room saying, We
15 can't do it, it's cost prohibitive. It's
16 not that different than the example of,
17 even though it's not a labor standard, of
18 making the City smoke free. But, in
19 fact, if you look across time and you
20 look across different jurisdictions, what
21 you actually find is that enlightened
22 labor standards encourage employers to
23 compete in some way other than simply
24 short-run squeezing of costs. The
25 long-run improvement of living standards,

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2 including of Philadelphia, depends on
3 higher productivity, high service,
4 innovation. By having enlightened
5 standards like a San Francisco and having
6 earned sick days, you're gently nudging
7 the direction of your overall employer
8 business strategies towards more
9 productive long-term strategies.

10 Before I close, I do want to
11 touch briefly on the Dunkelberg study and
12 to point out that that study is deeply
13 flawed. As far as I know, that study has
14 never been formally released, which makes
15 it somewhat less subject to public
16 scrutiny, but it's been widely circulated
17 to members of Council and to the regional
18 media.

19 Two years ago, Penn
20 State-Abington economist Lonnie Golden
21 and I obtained a copy of the Dunkelberg
22 study and wrote a critique. Here's a
23 list of some of its flaws:

24 It contains an elementary
25 mistake that doubles the estimated

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2 potential maximum cost of the bill. It
3 makes an implausible assumption about how
4 many earned sick days workers will
5 actually take. It fails to capitalize on
6 arguably the best source of information,
7 actual experience, following the
8 implementation of an earned sick days
9 ordinance in San Francisco. It
10 overstates the adverse effects on jobs by
11 using a questionable methodology. It
12 does not consider cost benefits or cost
13 savings and benefits for employers noted
14 earlier that would result from earned
15 sick days. It includes implausibly high
16 estimates of the cost of compliance with
17 a paid sick days ordinance.

18 The bottom line is, this is not
19 a very good study. So its flaws and
20 limitations really mean that it's not a
21 credible basis for evaluating proposed
22 earned sick days. Bottom line, when you
23 do the numbers carefully, it becomes
24 clear that the sky will not fall if
25 Philadelphia adopts an earned sick days

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2 bill, and, in fact, the benefits in the
3 form of lower negative externalities,
4 positive benefits for employers
5 themselves, and encouragement of
6 higher-road employers and employer
7 strategies outweigh the costs. On
8 economic, social, and public health
9 grounds, earned sick days make sense for
10 the City of Philadelphia.

11 Thank you.

12 COUNCILWOMAN TASC0: Thank you
13 very much.

14 (Applause.)

15 COUNCILWOMAN TASC0: The Chair
16 recognizes Councilman Goode.

17 COUNCILMAN GOODE: Thank you,
18 Madam Chair.

19 Mr. Herzenberg, just a few
20 questions for the record. One, what does
21 the research that was done on
22 jurisdictions that have already
23 implemented this law tell us about the
24 impact of paid sick leave on jobs?

25 MR. HERZENBERG: I mean, the

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2 implementation in San Francisco, for
3 example? Yeah. I mean, the basic
4 findings are that it hasn't had a
5 negative impact on jobs. And, again, to
6 me one of the most telling findings is
7 the fact that sort of roughly two-thirds
8 of employers support the bill after
9 having had experience with it. So --

10 COUNCILMAN GOODE: That was the
11 next question. Have employees generally
12 changed their minds and opinions about
13 paid sick leave after it became law?

14 MR. HERZENBERG: Yes, they
15 have. Not a hundred percent, but as we
16 all know from political polling,
17 two-thirds is a fairly high number.

18 COUNCILMAN GOODE: Last
19 question, just one on productivity. I'm
20 just throwing this out there for a matter
21 of context.

22 Some employers have argued that
23 giving four to seven days worth of paid
24 sick leave is a productivity issue. From
25 your research and analysis, if you look

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2 at the four to seven days in the context
3 of five days a week, 52 weeks in a year,
4 260 days, do you believe that offering
5 four to seven days of paid sick leave
6 actually increases productivity within
7 the time period of 260 days during the
8 year?

9 MR. HERZENBERG: Sure. First
10 of all, I'll quote that critical source,
11 Councilman O'Brien (sic). I think his
12 number was people actually take 2.3 days
13 of sick leave typically, even if they've
14 got access to something like four to
15 seven. So that's part of it. So the
16 costs when you look at people who have
17 access to earned sick leave how often
18 they take it, they don't take their max.

19 But the other part of it is
20 that you get back in loyalty. I'll
21 use -- I'm a seven-person employer. We
22 have the flu. Three of my employees have
23 young children. I'm so glad that we have
24 earned sick leave, because otherwise I
25 would have been sick in the last several

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2 months. But my staff works like dogs. I
3 mean, they really -- they're
4 mission-driven people. But when you
5 manage people in a way that respects them
6 and recognizes their contribution and is
7 fair, you get back in spades.

8 (Applause.)

9 MR. HERZENBERG: Yeah. And to
10 some extent, something like earned sick
11 days, it's not going to -- how many
12 employers will it get the penny to drop,
13 that decanzian approaches to management
14 really are counterproductive, I don't
15 know how many, but --

16 COUNCILMAN GOODE: But the
17 number one issue in terms of employees is
18 productivity.

19 MR. HERZENBERG: Yes.

20 COUNCILMAN GOODE: And the
21 productivity question has to be put into
22 context. We're talking about less than a
23 week out of 52 weeks, 2.3 days, maybe
24 four days, maybe seven days out of 260
25 days. And how do you absolutely make

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2 employees more productive? By being that
3 strict with them to say you can't take
4 any day off, I'm not going to pay you for
5 no productivity that I'm getting on that
6 particular day as opposed to allowing you
7 to earn it. And allowing you to earn it
8 I believe actually is a better strategy
9 toward productivity.

10 MR. HERZENBERG: Right. And I
11 agree with you, and I think the evidence
12 supports your position.

13 COUNCILMAN GOODE: Thank you.
14 Thank you, Madam Chair.

15 MS. WILLIAMS: I also wanted to
16 mention that IWPR did a study that looked
17 at the employment in San Francisco, and
18 they found that the employment in San
19 Francisco is growing more than in the
20 surrounding counties.

21 COUNCILWOMAN TASC0: Thank you
22 very much.

23 Mr. Herzenberg, would you like
24 to leave your testimony for the record,
25 the entire --

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2 MR. HERZENBERG: It is.

3 COUNCILWOMAN TASC0: We have
4 it? Okay. Thank you so much for your
5 testimony. I appreciate your time.
6 Thank you.

7 (Applause.)

8 COUNCILWOMAN TASC0: The Chair
9 now recognizes Karen Barnes and Rosemary
10 Devine.

11 (Witnesses approached witness
12 table.)

13 COUNCILWOMAN TASC0: Good
14 morning.

15 (Good morning.)

16 COUNCILWOMAN TASC0: Would you
17 please state your name for the record,
18 Karen Barnes.

19 MS. BARNES: My name is Karen
20 Barnes and --

21 COUNCILWOMAN TASC0: Would you
22 proceed with your testimony.

23 MS. BARNES: I'm a childcare
24 provider.

25 One of the issues about paid

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2 sick time that I have experienced
3 personally and I would actually like,
4 Councilwoman, if you could have someone
5 come and show you the picture, since
6 you're also in my district where I work.
7 How are you?

8 COUNCILWOMAN TASC0: Good to
9 see you.

10 MS. BARNES: In November, I had
11 a very young child that had an illness.
12 One of my staff members called me over
13 and said, Could you please look at this
14 child. I took one look at him and,
15 because of the knowledge as an
16 administrator, removed the child
17 immediately from the classroom so that
18 that child would not expose any of the
19 other children. I immediately contacted
20 the parent, reminded the parent to please
21 make sure you take your child immediately
22 to see a physician and that the child
23 would not be able to return until he is
24 free from a communicable disease, at
25 which point -- that was about October

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2 30th. Within a 72-hour period I arrived
3 at work on a Thursday, and my owner was
4 kind enough to say to me, Karen, your
5 face looks really swollen. Is there
6 something wrong? And I immediately went
7 to the bathroom, and I was obviously sent
8 home immediately and was seen within 14
9 hours. Councilwoman, that is what I
10 looked like. I was diagnosed with
11 infantigo, which is a childhood disease.
12 It is a type of skin infection that is
13 extremely contagious. At which time I
14 was admitted to Mercy Suburban Hospital
15 and was put on Vancomycin IV, which is
16 the last lifeline of antibiotic that we
17 have in this world tentatively, where I
18 spent several days, at which point I was
19 not allowed to return to work for over
20 two weeks. That's without pay.

21 I am a single parent with a
22 special needs child, and at this
23 particular point, I'm still financially
24 trying to figure out how I pay bills that
25 are still due.

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2 I am big and favorable of
3 providing sick time. Owners, you can do
4 it. I've done budgets for very large
5 centers. I've done budgets for small
6 centers. If you are able to have
7 compassion, this is a human basic need.

8 (Applause.)

9 COUNCILWOMAN TASC0: Thank you
10 very much. Certainly from the
11 photograph, you did a lot -- you were
12 suffering a lot. So I'm glad you're okay
13 physically.

14 MS. BARNES: We do it for the
15 love of the children.

16 COUNCILWOMAN TASC0: Thank you.
17 Rosemary Devine.

18 MS. DEVINE: Hi. Thank you,
19 Chairwoman Tasco, members of the Council.
20 My name is Rosemary Devine. I'm a
21 restaurant worker here in Philadelphia.
22 I've lived here for six months, and I'm
23 here through the organization Fight for
24 Philly.

25 (Applause.)

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2 MS. DEVINE: I've worked as a
3 waitress several times over the years and
4 I know that almost everyone who
5 waitresses, they come to work while
6 they're sick because they simply can't
7 afford to stay home. For me, missing a
8 day of pay can be the difference between
9 buying groceries that week or not. You
10 know, there's no discount pump at the gas
11 station for someone who has been
12 suffering from the flu that week.

13 I see people coming into work
14 sick all the time, especially during flu
15 season. And your co-workers, they try to
16 be nice, but they don't want to work
17 around you, because illnesses spread so
18 quickly in the restaurant business.
19 We're touching plates. We're touching
20 silverware. It's not the kind of place
21 you want sick people working. Germs
22 spread very quickly.

23 The people in the kitchen
24 making your food don't get paid sick
25 days. I've seen multiple times one

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2 person gets sick. By the next week, half
3 the staff is out or working ill.

4 This is absolutely a health
5 issue. These are people preparing your
6 food. That's why we need to pass this
7 ordinance. And, first, I've only heard
8 one person say this so far. This is
9 about giving people a sense of inherent
10 value as a human being and let them know
11 that they are allowed to get sick and
12 that they have the same rights that other
13 workers have.

14 (Applause.)

15 MS. DEVINE: Thank you.

16 It's a matter of people being
17 rewarded for the work that they do and
18 feeling valued by their employers. We
19 need to remember that this is earned sick
20 time and that a worker will have to have
21 committed to a certain business for two
22 months before they even get a day, and
23 that's full time.

24 Customers will also benefit.
25 You'd have the security of knowing that

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2 the person who is serving your food isn't
3 ill, that they can afford to stay home.

4 In just one shift we touch a lot of
5 plates. We touch a lot of food. Even if
6 you wash your hands regularly, if you're
7 really sick, you're going to spread
8 whatever you have.

9 Paid sick days would also help
10 business owners, because people are loyal
11 to employers who take care of their
12 employees. This would only improve the
13 relationship between business owners and
14 their employees. Plus, people who lose
15 pay, they have to stay home, they're not
16 going out to eat at your restaurant
17 anyway.

18 Opponents of this bill say they
19 support sick time, paid sick time, in
20 concept. Well, I don't get sick in
21 concept. I don't have to forego a day's
22 pay in concept. These are realities that
23 I need to deal with in my everyday life,
24 and I urge you to vote yes for the earned
25 sick days bill.

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2 (Applause.)

3 MS. DEVINE: Thank you again
4 for your time, members of the Council.

5 COUNCILWOMAN TASC0: Thank you.
6 Councilman Greenlee.

7 COUNCILMAN GREENLEE: Thank
8 you, Madam Chair.

9 Quickly, first, Ms. Barnes, I
10 share I'm glad you have recovered
11 properly. And obviously that was a very
12 contagious --

13 MS. BARNES: Extremely, and
14 that's just one of --

15 COUNCILMAN GREENLEE: And you
16 work around children.

17 MS. BARNES: -- the type of
18 communicable diseases I've incurred in
19 the last year. I had MRSA before.

20 COUNCILMAN GREENLEE: And you
21 work around children, correct?

22 MS. BARNES: And I love them
23 and I have dedicated my life. But we
24 have to make sacrifices and our owners
25 have to make sacrifices as well.

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2 COUNCILMAN GREENLEE: And,

3 Ms. Devine, if I could say, you gave the
4 examples of people coming in sick. Is it
5 fair to say that when people force
6 themselves to come in sick and spread
7 that disease to other employees, in a
8 sense that employee will probably, once
9 they get real sick, will lose more days
10 and that's really more detrimental to the
11 business? Is that a fair statement?

12 MS. DEVINE: Absolutely. A few
13 weeks ago I worked through an illness
14 that I probably would have been -- where
15 I would have recovered from if I had
16 allowed maybe a day or two to just rest.
17 But especially waitresses, you're running
18 around for, you know, eight hours at a
19 time when you should be resting at home
20 and illnesses are then just lengthened
21 because you're not getting the rest and
22 the medication that you need.

23 COUNCILMAN GREENLEE: So one or
24 two days could have saved five days; is
25 that a fair statement?

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2 MS. DEVINE: Exactly.

3 COUNCILMAN GREENLEE: Are you a
4 part-time worker?

5 MS. DEVINE: Oh, I'm full time.

6 COUNCILMAN GREENLEE: You're
7 full time. But a lot of people that work
8 in restaurants are part time, correct?

9 MS. DEVINE: Yeah.

10 COUNCILMAN GREENLEE: And as
11 you mentioned, earned sick time means it
12 would take them longer to get to that --
13 to earn the days, and is it fair to say
14 because it takes that longer time, that
15 they are less likely to be frivolous,
16 would you say, with their sick time?

17 MS. DEVINE: Absolutely.
18 Especially waitresses, they want to come
19 in. They want to get their tips. They
20 want to work. But when you're working
21 ill, you're not even working well.
22 You're not even doing a good job.

23 COUNCILMAN GREENLEE: Your
24 productivity is down, correct?

25 MS. DEVINE: Exactly.

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2 COUNCILMAN GREENLEE: And that
3 could also reflect on the customers.
4 They will notice that, right? Maybe not
5 sneezing on them, but they'll notice if
6 you're slow in serving them, correct?

7 MS. DEVINE: I've had customers
8 call me out on it and tell me that I
9 looked sick and they don't want me
10 serving them food, but, you know.

11 COUNCILMAN GREENLEE: And I
12 would guess that reflects badly on the
13 restaurant you worked for, right?

14 MS. DEVINE: Absolutely. And I
15 actually have showed up to work once and
16 I couldn't stop coughing, and they told
17 me that I really need to go home because
18 I can't be serving food in that
19 condition.

20 COUNCILMAN GREENLEE: But you
21 didn't get paid, right?

22 MS. DEVINE: No.

23 COUNCILMAN GREENLEE: Thank
24 you.

25 Thank you, Madam Chair.

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2 COUNCILWOMAN TASCOT: Councilman
3 Kenney.

4 COUNCILMAN KENNEY: Thank you,
5 Madam Chair.

6 Just as a preface to my
7 question, I was a dishwasher and bus
8 person and bartender and waiter through
9 my college years and high school years.
10 So I'm not -- I kind of understand the
11 dynamic.

12 If you take -- if you have
13 earned sick days and you take off a day,
14 what is your hourly rate as a waitress or
15 server?

16 MS. DEVINE: I believe it's
17 2.17 an hour.

18 COUNCILMAN KENNEY: So you're
19 going to get 2.17 an hour times how many
20 hours? Eight hours?

21 MS. DEVINE: Eight, yeah.

22 COUNCILMAN KENNEY: And that
23 was the difference between groceries or
24 not? You're not getting -- I mean,
25 you're not saying that you would share in

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2 the pool of tips. Or you wouldn't earn
3 any tips because you wouldn't be there,
4 and your main source of income as a wait
5 staff person is tips.

6 MS. DEVINE: Well, it depends
7 on what you're doing that day. When you
8 serve as a hostess, when you're a food
9 runner, you get a \$10, say, hourly rate.
10 So it would depend on whatever you're
11 doing in the restaurant that day.

12 COUNCILMAN KENNEY: But
13 traditionally wait staff -- and I've had
14 this problem when we dealt with the tip
15 issue, the tip scheming issue. What I
16 told the restaurant owners who were
17 against the bill that prohibited them
18 from taking your tip money for credit
19 card charges that all they had to do was
20 pay the federal minimum wage and they
21 could take the tip charges out if they
22 wanted to, but they didn't want it that
23 way. They wanted it both ways.

24 So at 2.17, 2.50, 2.83 an hour,
25 a paid day off sick isn't going to help

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2 you financially, because you're not
3 making the tip money that you do to be in
4 work. So wouldn't that then, if you're
5 sick, force you, almost financially cause
6 you, to go to work anyway, whether you
7 had earned sick time or not, because
8 you're not giving up the 80, 90, 100
9 dollars extra in tips that day?

10 MS. DEVINE: Again, it would
11 depend. A lot of shifts I get paid at an
12 hourly rate about \$10 an hour. If I were
13 to miss a day like that --

14 COUNCILMAN KENNEY: I'm sorry.
15 What restaurant in the City pays an
16 hourly rate of \$10 an hour as a wait
17 staff?

18 MS. DEVINE: I'm not just a
19 waitress, though. There's hosting.
20 There's food runner.

21 COUNCILMAN KENNEY: But you're
22 not touching plates as a hostess.

23 MS. DEVINE: Hostess -- where I
24 work, hostesses run to the kitchen and
25 they run the food.

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2 COUNCILMAN KENNEY: Let me go
3 back. You're a hostess making \$10 an
4 hour. Are you making the same level of
5 tips as you are as a wait staff?

6 MS. DEVINE: Not when you're
7 hostessing. It just depends on whatever
8 you're doing in the restaurant that day.
9 The pay differs.

10 COUNCILMAN KENNEY: But the
11 most lucrative part of being in a wait
12 staff position are your tips?

13 MS. DEVINE: Right.

14 COUNCILMAN KENNEY: Earned sick
15 leave in this particular situation is not
16 going to get you your tips. So more than
17 likely, unless you're on your death bed,
18 you're going to work.

19 MS. DEVINE: Right. But, I
20 mean, it's better than getting nothing if
21 I have to stay home.

22 COUNCILMAN KENNEY: Here's my
23 point when it comes to restaurant
24 workers. There's other workers, I get
25 that, because if you're getting a higher

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2 hourly wage, a paid sick day makes sense.
3 But if you're making 2.17 an hour, you're
4 going to drag yourself to work whether
5 you're sick or you're not, because you're
6 not giving up the 80, 75, 80, 100 dollars
7 in tips that day.

8 MS. DEVINE: There are days
9 when I am too sick to be waitressing and
10 I have to stay home.

11 COUNCILMAN KENNEY: You're
12 missing my point. I'm not disagreeing
13 with you that you're too sick to go to
14 work. What I'm saying is is that you
15 will drag yourself to work as a wait
16 staff person because you're not giving up
17 your tips, and the 2.17 an hour times
18 eight is not making you take off.

19 MS. DEVINE: Right. Right. I
20 mean, if you can work, it's obviously in
21 your financial interest to go to work.

22 COUNCILMAN KENNEY: Okay. But
23 my point is is that if you had earned
24 sick time in the restaurant business, at
25 2.17 an hour that's not covering your

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2 expenses.

3 MS. DEVINE: No.

4 COUNCILMAN KENNEY: Okay. All
5 right. Thank you.

6 COUNCILWOMAN TASC0: Councilman
7 Greenlee.

8 COUNCILMAN GREENLEE: Somebody
9 called me O'Brien a while ago. They'll
10 call me Kenney pretty soon. All the
11 Irish guys look alike.

12 Just on that point, though,
13 Ms. Devine, a lot of wait staff tend to
14 be students, people who are really on a
15 very tight budget, right? So even the
16 small wages that you would get still
17 could help, right? I mean, they might
18 not --

19 MS. DEVINE: Yeah. That's what
20 I said.

21 COUNCILMAN GREENLEE: -- pay a
22 total gas bill, but they could -- or a
23 total rent, but it all counts, right?

24 MS. DEVINE: Yeah. Every
25 little bit counts and it's obviously

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2 better than if I literally cannot go to
3 work. And the thing is to your point,
4 I'm going to try to force myself to go to
5 work regardless because I'm not some sort
6 of loafer who is just going to work the
7 system when I feel lazy. Obviously if I
8 can work, I'm going to work, regardless.

9 COUNCILMAN KENNEY: Madam
10 Chair.

11 My point is lost on --

12 COUNCILWOMAN TASCO:
13 Microphone, please.

14 COUNCILMAN KENNEY: As it
15 relates to wait staff. Other industries
16 I understand, but if you work in a
17 restaurant, you're going to go to work,
18 even if you have earned sick time,
19 because you're not giving up your tips,
20 unless you're really that sick you can't
21 get out of bed at all.

22 MS. DEVINE: Right. But what
23 about everybody else who works in a
24 restaurant? What about the kitchen and
25 the hostesses and the food runners? So

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2 this is -- I'm not here just for
3 waitresses. I'm here for restaurant
4 workers. I'm here for all workers.

5 (Applause.)

6 COUNCILMAN KENNEY: I don't
7 want to argue with you. I'm just saying
8 you presented yourself as a wait staff
9 person.

10 MS. DEVINE: I primarily
11 waitress, yes.

12 COUNCILMAN KENNEY: That's
13 my -- my interaction with you has to do
14 with what you're here to testify about.
15 And my point is, as a person who was in
16 that business, I'm going to work. I'm
17 not taking a 2.17 an hour as an earned
18 sick day. I'm going to work. If I can
19 get up out of bed, I'm going.

20 MS. DEVINE: So am I.

21 COUNCILMAN KENNEY: Thank you.

22 COUNCILWOMAN TASC0: We had
23 some discussion about tip staff, those
24 who get tips. My question is -- and I
25 talked to some of the restaurant owners

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2 about exempting them from the sick leave
3 bill because could they -- because if you
4 take off, you can exchange your time with
5 another waitress or something like that,
6 another staff person, and also not
7 necessarily lose any income, because you
8 could change shifts with someone if
9 you're out sick. What do you think about
10 that?

11 MS. DEVINE: I mean, that's
12 pretty much how it works, how it works
13 now. I mean, it's not -- you can't
14 always drop a shift, but if anybody --
15 that's the only really option available
16 to servers, is to get a shift covered and
17 you switch shifts with somebody else. So
18 I think, I mean, that would be a good
19 option, because I do think a bill like
20 this needs to take into account that the
21 hourly wage of serving is only \$2 and
22 that the primary income is from tips.

23 So I agree that the best option
24 would obviously be to switch -- you
25 switch shifts with somebody else, and

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2 then you would hope to get a similar pay
3 than what you would have had on the day
4 that you had to miss.

5 COUNCILWOMAN TASC0: Councilman
6 Greenlee.

7 COUNCILMAN GREENLEE: But the
8 hourly wage being low, so whoever that
9 replacement is would be paid that same
10 low hourly wage, right?

11 MS. DEVINE: Right.

12 COUNCILMAN GREENLEE: So the
13 restaurant owner would not be paying a
14 high wage to someone if they had to give
15 a sick day for either four or seven days
16 a year, right?

17 MS. DEVINE: Right.

18 COUNCILWOMAN TASC0: Who is
19 next?

20 Thank you very much for
21 testifying. Thank you for your hard
22 work.

23 (Applause.)

24 COUNCILWOMAN TASC0: Teresa
25 Mansell and Aliya Johnson and Ms. Liz

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2 McElroy.

3 (Witnesses approached witness
4 table.)

5 COUNCILWOMAN TASC0: Good
6 morning.

7 (Good morning.)

8 COUNCILWOMAN TASC0: Would you
9 please state your name for the record.
10 Speak into the microphone and proceed
11 with your testimony.

12 MS. MANSELL: Sure. My name is
13 Teresa Mansell. I appreciate being here
14 this morning, and thank you,
15 Councilmembers, for giving me the
16 opportunity to speak.

17 I am the Director of Childspace
18 West Day Care Center in West Philadelphia
19 and the President of the worker co-op
20 that operates two childcare programs in
21 Mount Airy and in Germantown. Together
22 our three sites employ 50 staff, care for
23 approximately 180 children ages three
24 months to after school, and we make it
25 possible for their families to go to

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2 work.

3 As a business owner, it makes
4 sense to offer employees the chance to
5 earn sick time. Our business offers
6 employees one day earned per month
7 worked. This is in addition to holiday
8 and vacation time. This benefit has been
9 an important way our business can
10 acknowledge how much we value our
11 employees and encourage them to stay home
12 and get better when they're ill.

13 In childcare, it is especially
14 important because teachers are exposed to
15 all those runny noses and coughs, and if
16 they can't stay home when sick, they just
17 reinfect the children.

18 I am here to encourage City
19 Council to adopt Bill No. 130004,
20 "Promoting Healthy Families and
21 Workplaces," so that all employees,
22 including the parents who use our
23 centers, will have this basic benefit.

24 We have policies at our center
25 that are guided by the Academy of

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2 Pediatrics about when a sick child should
3 remain home. However, when parents do
4 not have paid sick time off from their
5 jobs, it's difficult for them to stay
6 home with their sick child. As a result,
7 we sometimes have children come in who
8 shouldn't, and they infect other children
9 and our teachers.

10 Parents should not have to
11 choose between caring for their sick baby
12 or losing a day's pay.

13 Thank you.

14 COUNCILWOMAN TASC0: Thank you
15 very much.

16 Next, Ms. Johnson.

17 MS. JOHNSON: My name is Aliya
18 Johnson Roberts.

19 COUNCILWOMAN TASC0: Speak into
20 the microphone, sweetheart.

21 MS. JOHNSON: Thank you for the
22 opportunity to speak. I am a Director
23 and part owner of a childcare center,
24 Pratt Street Learning Center. We have 19
25 employees and we serve 68 children. Over

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2 80 percent of our children that we care
3 for qualify for subsidized childcare or
4 receive care through DHS.

5 We do provide our staff paid
6 time off. Originally we did not.
7 However, we've had incidences where I've
8 seen staff putting Visine in their eyes
9 even though they had pink eye, which is
10 very contagious, because they could not
11 afford to not work. In addition to that,
12 we do have parents who at times leave
13 children who, again, are highly
14 contagious, and we have to try to contact
15 someone to pick them up, because it is a
16 continuous cycle throughout our center
17 with contagious illnesses.

18 We are extremely committed to
19 providing quality care as well as
20 investing in our employees to reduce high
21 turnover, which is an issue in childcare.
22 So that is why we do offer our employees
23 paid sick days and I am here in support
24 of this bill.

25 COUNCILWOMAN TASC0: Thank you

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2 very much for your testimony.

3 Mr. McElroy.

4 MS. McELROY: I don't know if

5 it's good morning or good afternoon.

6 Good morning.

7 COUNCILWOMAN TASCO: Still

8 morning.

9 MS. McELROY: You probably
10 don't either at this point.

11 Good morning and thank you,
12 Councilwoman Tasco and to the Committee.
13 My name is Liz McElroy. I'm the
14 Secretary/Treasurer of the AFL-CIO here
15 in Philadelphia. And I am not going to
16 try to mimic the stories that you're
17 hearing from testifiers of the panel
18 before, these ladies who just testified.
19 You're going to hear all that. So what
20 I'd like to do, if it's okay with you, is
21 just address a few of the concerns that
22 I've heard in the last couple weeks in
23 speaking with Councilmembers and others
24 around the City who have concerns about
25 this bill, address a few of those, and

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2 then talk for a minute about why the
3 AFL-CIO is a staunch supporter of this at
4 this level and at every level of the
5 labor movement.

6 So one of the things we've
7 heard is the timing isn't right. And
8 some have expressed this concern I think
9 directly related to some tax changes that
10 have been recently enacted or are being
11 contemplated. I won't -- I was not going
12 to pull out, but I will, the Dr. King
13 quote, that the time is always right to
14 do what's right.

15 But we don't even need
16 Dr. King's wisdom really on this one.
17 Employers juggle multiple changes to
18 things that affect their business all the
19 time. We know this. There's nothing so
20 unique in this or in recently passed
21 legislation that warrants a wait-and-see
22 approach, as far as we're concerned.
23 And, quite frankly, there's no such thing
24 as a perfect time.

25 Legislation at every level -

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2 state, local, and federal - happens when
3 circumstances arise and make it happen,
4 and that's what we're trying to do here,
5 and for earned sick days the time is now
6 we feel.

7 The second reason, argument
8 that we've heard is the sky is falling.
9 It's the old doom-and-gloom scenario.
10 Businesses will shut down, leave the
11 City, not come here at all. And this one
12 is particularly interesting because I
13 think it requires a little bit of
14 revisionist history and some short-term
15 memory loss. Aside from the fact that
16 this hasn't played out in other cities
17 where earned sick days legislation has
18 been enacted, it didn't even happen here
19 in Philadelphia six years ago when we
20 passed the smoking ban. The arguments
21 against that were the same that we're
22 hearing today and that you've heard
23 probably and will hear against the
24 smoking ban, that restaurants would go
25 out of the City and all that sort of

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2 thing, people would flee to the suburbs
3 to eat dinner on a Wednesday night, and
4 that hasn't happened. And somehow
5 Councilman Nutter was confident they were
6 untrue at the time, but Mayor Nutter is
7 not so sure.

8 Most good, responsible
9 safety-net related regulations like
10 Social Security, the minimum wage laws,
11 and like an earned sick days thing have
12 been fiercely resisted by the business
13 lobby amid the doom-and-gloom
14 predictions, and this is no different.

15 The timing issue and the, what
16 I call, the-sky-is-falling scenario, both
17 play into the same argument that we're
18 unfriendly to business. And I understand
19 and appreciate -- and you understand it
20 much better than I -- the tax -- the
21 complex tax code that we have as a city,
22 but I really take sort of issue with the
23 fact that we're somehow unfriendly to
24 business. If you read the paper
25 yesterday, we read about tax abatements

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2 to multiple million dollar corporations,
3 including those who aren't necessarily
4 paying what they're supposed to pay. We
5 refuse to consider pilot programs, the
6 Administration, and we're not pursuing
7 property taxes from places that have some
8 charitable exemption, some non-profit
9 exemption, and some for-profit on their
10 land. So these are things that to me
11 don't make it an unfriendly place to do
12 business necessarily.

13 And the third thing that I want
14 to address in this part is this notion
15 that I've heard several times that
16 workers should have access to paid sick
17 days and it's the right thing to do,
18 which I totally agree with, but that they
19 should get them through organizing in a
20 contract. And I will tell you that as
21 the AFL-CIO, we certainly agree that
22 collective bargaining is a good thing and
23 it is the best thing in ways to lift
24 workers and their rights. But the right
25 to organize in this country is, quite

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2 frankly, a joke. Workers are routinely
3 fired, harassed, and intimidated when
4 they try to organize a union.

5 Right here in Philadelphia --
6 and this is maybe a story for another
7 hearing -- down the street, workers at
8 SugarHouse have been trying to organize
9 for 18 months and, you know, they face
10 heavy intimidation.

11 Forty percent of workers in
12 this country who actually plow through
13 that intimidation and win a union on the
14 job never make it to a first contract
15 because of employer delay tactics.

16 So it's oversimplification to
17 say workers should just organize and get
18 a contract. And until we have real labor
19 law reform in the U.S., it's a system
20 that's stacked against workers. And,
21 quite frankly -- I've said that three
22 times. I'm going to stop using that
23 term. But honestly, there are other ways
24 to organize, and workers coming together
25 to fight for -- workers and employers

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2 coming together to fight for legislation
3 that would change the way that -- change
4 the conditions of their employment is
5 another way to organize. It's people
6 coming together. That's all it is.

7 Finally, I just want to take a
8 minute to address why the AFL-CIO and our
9 member unions are supporting this
10 legislation. As you all know, the bill
11 contains a provision to exempt collective
12 bargaining agreements, meaning that no
13 one that I directly represent will be
14 included under the act. But certainly
15 their friends and their family and their
16 neighbors and their entire communities
17 will be affected by this, the public
18 health implications. That pink eye story
19 you just told is frightening. These
20 things will affect our members indirectly
21 if not.

22 But we also see this as a
23 larger part of the social justice fabric
24 that we fight for. Throughout our
25 history, we have been -- the labor

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2 movement has been not always at the
3 forefront, but certainly always there in
4 the fight for ending child labor,
5 workplace safety regulations, Social
6 Security, the 40-hour work week,
7 overtime, minimum wage, which we did here
8 in Pennsylvania before they reenacted it
9 federally. All of these things are part
10 of the same thing. We see the basic
11 human right of a worker to be able to
12 take a day off if they are sick, not fear
13 of losing their job or losing a day's
14 pay, as the next in this line of things,
15 and that's why we support it not only in
16 Philadelphia but across the country and
17 as a federal issue.

18 So thank you.

19 COUNCILWOMAN TASC0: Thank you
20 very much.

21 (Applause.)

22 COUNCILWOMAN TASC0: Councilman
23 Greenlee.

24 COUNCILMAN GREENLEE: Thank
25 you, Madam Chair.

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2 Very quickly. First, thank
3 you, Ms. McElroy, for your support and
4 everything the AFL-CIO does.

5 Ms. Mansell and Ms. Johnson,
6 whoever would like to answer this or
7 both, some of the concerns that have been
8 raised about this bill, one is the whole
9 record-keeping idea. Obviously you keep
10 records of people when they're sick.
11 Have you found that to be overly
12 burdensome since you've started to
13 provide paid sick leave? Is that a
14 problem for you?

15 MS. MANSELL: It hasn't been
16 for us. When we started Childspace Day
17 Care Centers back in 1988, we started
18 with paid sick time. So it's always just
19 been a part of our system.

20 COUNCILMAN GREENLEE: And I
21 would assume whether you had paid sick
22 time or not, you'd have to keep track of
23 when somebody is out sick, correct?

24 MS. MANSELL: Absolutely. It's
25 just a part of the standard

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2 record-keeping.

3 COUNCILMAN GREENLEE: And have
4 either of you -- and I know we're dealing
5 with human beings here, so anything is
6 always possible -- had some great abuse
7 of the privilege, that people are just
8 taking time off willy-nilly?

9 MS. JOHNSON: We actually have
10 not. Last year employees actually had
11 more paid time off, which I actually
12 ended up reducing this year because of
13 the number of unused days, and I just
14 tried to change the benefit --

15 COUNCILMAN GREENLEE: Repeat
16 that again. You actually had unused
17 days, right?

18 MS. JOHNSON: They had unused
19 days.

20 COUNCILMAN GREENLEE: I hope
21 Dunkelberg is listening.

22 MS. JOHNSON: We do have grants
23 that we applied for and we tried to shift
24 the benefits in other areas that will
25 benefit them.

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2 COUNCILMAN GREENLEE: And would
3 you say that it's fair to say that part
4 of that is because workers are treated
5 properly, that they have loyalty and thus
6 reciprocate?

7 MS. JOHNSON: I agree.

8 MS. MANSELL: Absolutely. At
9 our centers we have several employees who
10 are long-term employees and at Childspace
11 they're able to roll over their sick
12 time. So I probably have five staff or
13 more that have hundreds of sick time. If
14 they should leave, they don't get that
15 paid out, but they do -- they're able
16 to --

17 COUNCILMAN GREENLEE: But it's
18 there if they get sick.

19 MS. MANSELL: Right. And we
20 also, at the request of some of the
21 workers, for those of us who have lots of
22 sick time left, have thought about
23 starting a sick bank instead of reworking
24 the benefits, just giving a sick bank to
25 those employees who for one reason or

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2 another -- usually if they're really,
3 really ill, seriously ill, and used up
4 all their time, we can bank some of that
5 and give it to those other employees.
6 But it's a value of our employees.

7 COUNCILMAN GREENLEE: And
8 clearly your business provides way more
9 sick leave than whatever would be asked
10 for in this bill.

11 MS. MANSELL: Right. Yeah.
12 And we do have to, unlike some
13 businesses, we have to replace workers
14 who are out on sick leave. So it's the
15 cost of paying the employee's sick time
16 and then having somebody come in to
17 substitute for that person, because we
18 have to keep our ratios with our
19 childcare.

20 COUNCILMAN GREENLEE: Okay.
21 Thank you.

22 Thank you, Madam Chair.

23 COUNCILWOMAN TASCO: Thank you.

24 Any other questions?

25 (No response.)

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2 COUNCILWOMAN TASC0: Thank you
3 very much for your testimony. Appreciate
4 taking time to do that.

5 (Applause.)

6 COUNCILWOMAN TASC0: Oh, I'm
7 sorry. I didn't see Councilman David Oh
8 is over there, and you didn't have your
9 light on. Where's your light?

10 COUNCILMAN OH: I did, but it's
11 on now.

12 COUNCILWOMAN TASC0: All right.

13 COUNCILMAN OH: Listen, I
14 appreciate your testimony, and to be
15 frank, I'm against the sick time. So you
16 know ahead of time that I'm not for the
17 sick paid leave.

18 But I will have these questions
19 for you. Is this your business that you
20 started, the daycare?

21 MS. MANSELL: Yes.

22 COUNCILMAN OH: And you started
23 in 1988?

24 MS. MANSELL: Correct.

25 COUNCILMAN OH: And what is

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2 your average salary that you pay now?

3 MS. MANSELL: It varies. We
4 probably pay about \$11 an hour.

5 COUNCILMAN OH: Why don't you
6 pay \$15 an hour?

7 MS. MANSELL: Because we find
8 that people come to us because we give
9 such good benefits. In childcare we
10 give -- it's not usual to have healthcare
11 benefits, and in some centers they don't
12 provide paid time off. We also give
13 vacation time, we give holiday time, and
14 we close the week between Christmas and
15 New Year's. So people are coming to us
16 because we value a quality job and they
17 would prefer to have full family
18 healthcare benefits than an extra dollar
19 or two in their paychecks.

20 COUNCILMAN OH: Do you pay a
21 hundred percent of the healthcare
22 benefits?

23 MS. MANSELL: We do, for
24 full-time and part-time employees.

25 (Applause.)

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2 COUNCILMAN OH: Would it be
3 fair to say that those who prefer having
4 earned sick days and those benefits would
5 come to work for you rather than a place
6 that paid them \$5 more per hour?

7 MS. MANSELL: Yes.

8 COUNCILMAN OH: But for those
9 who wanted to get paid \$5 more per
10 hour --

11 MS. MANSELL: They would
12 probably go some place else.

13 COUNCILMAN OH: Go some place
14 else.

15 That is a decision that you
16 made as an employer, with a vision of the
17 type of employment place that you would
18 like to have, and it sounds like a
19 wonderful place. Is your place a better
20 place to work today in terms of pay and
21 benefits than it was when you first
22 started?

23 MS. MANSELL: Is it a better
24 place to work?

25 COUNCILMAN OH: In other words,

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2 when you first started, how did you start
3 your business? Were you able to offer
4 the same salary and benefits as you do
5 today?

6 MS. MANSELL: Not that first
7 year.

8 COUNCILMAN OH: Why not?

9 MS. MANSELL: We were just a
10 startup.

11 COUNCILMAN OH: What did you
12 do? Did you take a loan out? Did you
13 borrow money? Did you get a grant? How
14 did you start your business?

15 MS. MANSELL: We actually got
16 grants. Some of us made financial
17 sacrifices. But when we started out, we
18 did have right away, after 90 days,
19 people were able to earn sick time.

20 COUNCILMAN OH: But over a
21 period of time, your business has grown
22 and you have made it a better place to
23 work; is that correct?

24 MS. MANSELL: Correct.

25 COUNCILMAN OH: Thank you very

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2 much.

3 MS. McELROY: Madam Chair, can

4 I add one more thing. And thank you.

5 So obviously I should have
6 pointed this out at the beginning. As
7 the Secretary/Treasurer, we're also an
8 employer at the Philadelphia AFL-CIO, and
9 I hope it goes without saying that we do
10 offer paid sick days and vacation time
11 and paid time off to our employees.
12 We're an under-a-million-dollar-budget
13 organization. We have six full-time
14 staff and we're able to do it. We
15 don't -- sometimes if people are out long
16 term, we do have to replace them, so
17 there's double cost, but that's something
18 we can do.

19 And, Councilman Oh, I know you
20 weren't addressing me, but if I may, and
21 I appreciate your being up front. I
22 really do. But I would just say that
23 saying somebody can go some place else
24 and make \$15 an hour as opposed to \$11 an
25 hour with paid sick days is a slippery

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2 slope when we do things. We don't say to
3 somebody, If you want safety equipment,
4 you can come here and make -- if you
5 don't want safety equipment, you can come
6 here and make \$20 an hour instead of
7 going there and getting 15 and a hard
8 hat. We don't say to people that
9 they're --

10 (Applause.)

11 MS. McELROY: Thank you.

12 And so I think that -- I
13 understand this is new and it's
14 different, and in 40 years, we'll look
15 back at this time and be like, I can't
16 believe there was a time when people
17 didn't have paid time off to take care of
18 themselves and their family. But I do
19 think that that's a dangerous analogy to
20 make.

21 So thank you. Thank you for
22 the time.

23 COUNCILWOMAN TASC0: Thank you
24 very much.

25 (Applause.)

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2 COUNCILMAN OH: Thank you very
3 much. I do think that the ideas that are
4 being advanced are very humane. I think
5 the people who sponsor them are wonderful
6 people. And I certainly know that this
7 will be an issue that we will discuss,
8 and at the end of the day, we're going to
9 have a vote on it.

10 My concern is that if we look
11 at the economic forecast for
12 Philadelphia, as you know in your
13 position, that we have lost hundreds of
14 thousands of jobs since 1960, most of
15 them being jobs where a person with only
16 a high school degree could earn a good
17 living, most of them in manufacturing and
18 in factories. And ultimately even with
19 the taxes that we as a body did last
20 year, where we have not seen the building
21 of new offices built in this city, which
22 ultimately provide jobs for
23 receptionists, secretaries, and other
24 office workers, which have been
25 wonderful, especially for single moms who

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2 can take public transportation to Center
3 City and get a good job. According to
4 Econsult and the other studies that we
5 have, Philadelphia is on track to lose
6 about 75,000 or so jobs in the next five
7 years or six years. Let me not stand
8 behind that right now, but a dramatic
9 number.

10 So with the jobs that we are
11 losing, most of them being low-paid,
12 low-skill jobs, people who may be
13 students, people who may not have
14 graduated from high school, people who
15 may have dropped out, people who may have
16 a criminal record, it is very important
17 for our city to have jobs that people can
18 get as a transition forward. I suspect
19 that we're not losing high-paid,
20 high-skill jobs where you need a Ph.D.,
21 an M.D. or so forth. But in light of the
22 fact that we're losing so many more jobs,
23 the challenge that we will all address is
24 how do we bring more jobs into the
25 neighborhoods of Philadelphia.

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2 MS. McELROY: I agree, and
3 we'll continue this conversation
4 hopefully. And we applaud all the
5 efforts of City Council to do that, to
6 bring jobs back to the City of
7 Philadelphia, but we do feel that they
8 have to be family-sustaining good jobs,
9 and that's -- but we'll talk about that
10 at some other point and not waste
11 everybody's time.

12 COUNCILMAN OH: Thank you very
13 much.

14 COUNCILWOMAN TASC0: Thank you
15 very much. We appreciate your testimony.

16 Is Dr. James Plumb here?

17 (No response.)

18 COUNCILWOMAN TASC0: Dr. Tsou.

19 (Witness approached witness
20 table.)

21 COUNCILWOMAN TASC0: Hello.
22 Nice to see you.

23 DR. TSOU: Nice seeing you,
24 Councilwoman Tasco.

25 COUNCILWOMAN TASC0: Would you

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2 please state your name for the record and
3 proceed.

4 DR. TSOU: My name is
5 Dr. Walter Tsou and I'm a public health
6 physician and the former Health
7 Commissioner for the City. Today I do
8 speak in favor of the legislation,
9 "Promoting Healthy Families and
10 Workplaces."

11 As has been previously noted,
12 around 40 percent of Philadelphia workers
13 do not have paid sick days. This fact
14 disproportionately affects low-income
15 employees. We can state with a hundred
16 percent accuracy that every day in this
17 city, people will get sick or get
18 injured. Those who work for employers
19 with paid sick days can use those days to
20 seek medical attention, rest their
21 injured body or avoid coughing on their
22 fellow workers. But for those who do not
23 have paid sick days, many will exacerbate
24 their illness by bearing more weight on
25 an injured leg or ignoring their chest

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2 pain at great personal peril or possibly
3 worse, spreading their communicable
4 diseases to a fellow worker.

5 In my career I have witnessed
6 food workers who have gone to work with
7 viral hepatitis infecting salad bars,
8 workers coughing with multi-drug
9 resistant tuberculosis condemning their
10 fellow workers to six months or longer of
11 treatment, people going to work with
12 flu-like symptoms and fever, and
13 employees with contagious skin rashes.
14 This legislation recognizes that
15 sometimes it is in the best interest of
16 society for workers to stay home. It is
17 also in the interest of society to have a
18 healthy and productive workforce. So
19 while in the short run a sick worker may
20 be home recuperating, in the long run
21 they will be more productive if they can
22 get their illness treated or controlled.
23 This ordinance simply says that any
24 decent society sets a minimum expectation
25 that a sick person should take care of

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2 their health first before they can
3 reasonably help other customers.

4 Some in the business community
5 have expressed their opposition to this
6 bill. However, the bill enumerates
7 several employer rights, including
8 requiring 40 hours of work in order to
9 earn just one hour of sick time, capping
10 the maximum number of earned sick days
11 for small businesses to four workdays per
12 year, optionally require a physician note
13 after just two days, require the employee
14 to make a good-faith effort of
15 notification to the employer, prohibit
16 the use of earned sick days until three
17 months of employment, and not require a
18 payout by the employer for unused sick
19 days upon termination of employment.

20 Other employers fear employees
21 will abuse paid sick days, and a small
22 minority might, and there are remedies
23 for those who falsely claim sickness.

24 Inevitably, though, your choice
25 is whether you deny everyone paid sick

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2 days to avoid this small minority or do
3 you set reasonable rules based on the
4 fact that bad things happen on average to
5 everyone. It is actually in society's
6 interest to level the playing field so
7 that all workers in Philadelphia have a
8 minimum number of paid sick days, which
9 is why I support this legislation.

10 Thank you.

11 COUNCILWOMAN TASC0: Thank you
12 very much.

13 (Applause.)

14 COUNCILWOMAN TASC0: Thank you
15 very much for taking time to come down
16 and testify. And we miss you.

17 DR. TSOU: Thank you. Good
18 seeing you all.

19 COUNCILWOMAN TASC0: Thank you.

20 The next panel, Ed Grose, Hotel
21 Association; Patrick Conway, Pennsylvania
22 Restaurant Association; Rick Grimaldi,
23 Government Relations Chair, Fisher
24 Phillips; Kevin Klatte, President,
25 Philadelphia County Dental Association.

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2 (Witnesses approached witness
3 table.)

4 COUNCILWOMAN TASC0: Good
5 morning -- good afternoon, I guess.

6 MR. CONWAY: Good afternoon. I
7 think we got 30 seconds.

8 COUNCILWOMAN TASC0: Go ahead,
9 please, sir, and --

10 MR. CONWAY: Thank you,
11 Councilwoman. And thanks to my
12 colleagues here for joining our panel as
13 well. If it's okay, I'll go ahead and
14 start, run through my testimony and --

15 COUNCILWOMAN TASC0: Identify
16 yourself, please, for the record.

17 MR. CONWAY: -- we'll be happy
18 to take any questions.

19 Chairwoman Tasco, members of
20 the Public Health --

21 COUNCILWOMAN TASC0: First
22 identify yourself for the record.

23 MR. CONWAY: Yes. Patrick
24 Conway, President and CEO of the
25 Pennsylvania Restaurant and Lodging

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2 Association.

3 Chairwoman Tasco, members of
4 the Public Health and Human Services
5 Committee and other members of Council
6 that are here with us today, thank you
7 for allowing me to testify before you
8 regarding Bill No. 130004, which mandates
9 that businesses provide paid leave.

10 As I said, my name is Patrick
11 Conway with the Pennsylvania Restaurant
12 and Lodging Association. Our Association
13 represents more than 7,500 businesses
14 across the Commonwealth, about 500 of
15 which are located here in the City of
16 Philadelphia. Our members can be found
17 in all areas of the hospitality industry,
18 from the small tavern to the fine-dining
19 restaurant to chains and franchises to
20 the largest hotels in the City. On
21 behalf of our diverse membership, I
22 testify today in opposition to this bill.

23 Shortly you'll hear from the
24 business owners themselves in
25 Philadelphia who will explain how this

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2 mandate would negatively impact their
3 livelihoods and the job opportunities
4 they provide in the City. I'd like to
5 focus today on the broader economic
6 impact, the mandate on businesses in the
7 hospitality industry would have.

8 Proponents of this legislation
9 claim that it would help businesses in
10 Philadelphia. That is simply not the
11 case. According to the Bureau of Labor
12 Statistics, employment decreased by
13 nearly 8 percent in quick-service
14 restaurants after San Francisco passed
15 legislation mandating paid leave. In the
16 five surrounding counties outside of the
17 City of San Francisco, unemployment
18 actually decreased by 2.5 percent among
19 these similar businesses.

20 After a statewide bill passed
21 in Connecticut mandating that employers
22 with more than 50 employees require paid
23 leave, a survey was conducted among
24 employers to determine how they would
25 fulfill the mandate. Businesses plan to

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2 scale back current employee hours, other
3 benefits, raise prices, and limit
4 business investment expansion to pay for
5 that requirement. These studies prove
6 something. The cost to pay for this
7 mandate has to come from somewhere.

8 Philadelphia unfortunately has
9 not been kind to businesses over the past
10 few years. Despite a struggling economy,
11 business taxes in the City have increased
12 by 18 percent, while utility and
13 insurance rates continue to rise as well.
14 The well is dry. Our members cannot
15 afford the cost of mandated paid leave.
16 The administrative headaches are the risk
17 of abuse.

18 Councilman Greenlee's bill
19 applies to any business with more than
20 now 20 employees. As such, it would
21 impact almost every business in the City.
22 In addition to the overall burden of a
23 broad mandate, this legislation has a
24 number of other items that lead to our
25 concern. The bill allows an employee to

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2 accrue up to 56 hours of paid time off.

3 This would be either seven or eight days

4 depending on how you define a full

5 workday and depending on your business.

6 Employees can be expected to use up all

7 of their unused leave time at the end of

8 each year.

9 Sick days can be used for any

10 reason, for the employee, for a family

11 member, a doctor's appointment or merely

12 taking care of a friend. An employee

13 does not have to prove that he or she is

14 using the paid sick leave for a valid

15 reason until the third day of not coming

16 to work.

17 Now, with the change that was

18 made today, there's some flexibility

19 there, but, again, as soon as practical

20 does not require notification

21 immediately.

22 An employee is not required to

23 let the employer know that they're going

24 to be calling out for the day. If an

25 employee is a no call-no show, then later

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2 says they were sick, an employer must
3 take them at their word. Again, as soon
4 as practical, which can be problematic if
5 you're operating a business.

6 An employer is responsible for
7 calculating the accrual of hours and must
8 provide the use of paid time in at least
9 hourly increments. The employer is
10 responsible for keeping track of use and
11 must keep accurate records for three
12 years at a time.

13 As a participant -- I think
14 this is an important point,
15 Councilmembers.

16 As a participant in last fall's
17 Economic Summit that was hosted by City
18 Council, I was encouraged by the frank
19 discussion on public-private
20 collaboration to improve the City's
21 overall economic climate. However, with
22 this legislation, you are forcing
23 businesses to make choices, and these
24 choices will neither increase business or
25 employment opportunities nor will they

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2 help move the City of Philadelphia toward
3 a post-recession prosperity.

4 I urge you to please consider
5 the burden this legislation will put on
6 businesses and vote no on this bill.

7 Thank you for your time, and
8 I'll be happy to answer any questions
9 after the panelists.

10 COUNCILWOMAN TASC0: Thank you
11 very much.

12 MR. CONWAY: Thank you.

13 COUNCILWOMAN TASC0: Next we
14 have Mr. Grimaldi.

15 MR. GRIMALDI: Good afternoon.
16 For the record, my name is Rick Grimaldi.
17 I am a partner with the employment law
18 firm of Fisher and Phillips and I'm Chair
19 of the firm's Government Relations
20 practice. Good afternoon, Councilwoman
21 Tasco, Councilman Greenlee, and members
22 of the Public Health and Human Services
23 Committee.

24 As someone who represents both
25 small and large employers in the City of

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2 Philadelphia, I feel compelled to oppose
3 this bill. The cost to business in the
4 City will be substantial and will further
5 strain employers already buffeted by a
6 weak economy and rising costs. This one
7 piece of legislation could be the
8 difference for a business growing or
9 contracting here in the City. And the
10 cost of non-compliance, even if
11 inadvertent, far exceeds the limited
12 value the bill would provide for
13 employees.

14 I see three potential concerns
15 for employers in this bill: the cost to
16 employers to defend against claims, the
17 potential for abuse by some employees,
18 and the law of unintended consequences
19 that might put some employers in a
20 position of discriminating against the
21 people that this bill is designed to
22 assist.

23 An employer accused of not
24 complying would be subject to a myriad of
25 penalties, including back pay,

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2 compensatory damages, undefined equitable
3 and liquidated damages, as well as
4 payments of attorneys' fees and costs.

5 The mere nature of fee shifting I believe
6 will invite litigation over whether an
7 employer violated the ordinance.

8 Employers will be responsible for paying
9 not only their own attorneys to defend
10 against claims, but also potentially
11 paying the fees for an employer's claim
12 against them.

13 Small business owners will be
14 especially imperiled, as they cannot
15 afford to defend costly litigation even
16 for something that might be considered a
17 minor violation of the ordinance. The
18 added administrative costs alone to a
19 business with tight margins could be
20 enough to force a small employer to close
21 his or her doors. In a precarious
22 economy, that would be a disaster.
23 Fee-shifting statutes like this rather
24 than reducing litigation tend to increase
25 it.

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2 Furthermore, the bill as
3 written is somewhat vague. What would
4 trigger the liquidated damages or
5 punitive damages, the penalty paid to the
6 City? How would back pay be calculated?
7 It would appear that this could be just
8 another burden added to an already
9 overregulated business environment and
10 inconsistent with the message that
11 Philadelphia is a business-friendly city.

12 Unfortunately, although most,
13 not all, employees are as honest as we
14 would like. Some employees will exhaust
15 their annual limit whether ill or not.
16 This creates even further costs for
17 employers, problems for their co-workers,
18 and a host of potential performance
19 management issues. Will employers have
20 the chance to withhold pay if the absence
21 is not genuine? What will be required if
22 an employer doubts the basis for the
23 employee's stated illness? Will the
24 employer be penalized for challenging the
25 employee? Will this be seen as

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2 retaliatory, a violation of the
3 ordinance?

4 Many businesses would be forced
5 to hire extra people. Restaurants, for
6 example, would find themselves in the
7 position of possibly having to pay extra
8 wait staff that they might not be able to
9 afford. Employers, in an effort to avoid
10 all of this, might decide to more closely
11 scrutinize who they will hire. This
12 would put employers in a position of
13 possibly discriminating against the very
14 individuals that the bill is designed to
15 protect. Employers might be more
16 reluctant to hire smokers, older workers,
17 someone who is overweight, anyone that
18 might be in a group with the potential to
19 be absent from work more. This puts
20 employers potentially in a position to,
21 in a sense, have to pick their poison.

22 Philadelphia is a great city.
23 It is a city of hard-working people who
24 have historically been willing to take a
25 chance to succeed. We as a city,

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2 particularly those of us who have the
3 opportunity to make a difference, should
4 be working hard to encourage that vision.
5 We should not further burden those who
6 have taken the risk nor freeze those who
7 wish to take it.

8 My clients are the backbone of
9 the City. My own brother is a small
10 business person up in the Northeast. He
11 has grown his business from two
12 employees, he and his wife, to employ
13 currently about 15 people. He wants to
14 grow. He provides jobs for his
15 community. He wants to hire more. We
16 shouldn't and wouldn't want to tell him
17 by our actions that he shouldn't do that.

18 The economy is still in peril.
19 There are still a dearth of jobs. We
20 already tax our employers. It would be
21 not right to further burden them. This
22 bill will damage business at a time when
23 we should be incentivizing entrepreneurs
24 and employers to come to the City.

25 I thank you for the opportunity

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2 to present my comments.

3 COUNCILWOMAN TASCO: Thank you
4 very much for your testimony.

5 Mr. Klatte.

6 DR. KLATTE: Yes. That's
7 correct.

8 Good afternoon, Chairwoman
9 Tasco, Councilman O'Brien --

10 COUNCILMAN GREENLEE: Greenlee.

11 DR. KLATTE: I'm sorry;
12 Greenlee. I'm sorry. I'm sorry.

13 COUNCILMAN GREENLEE: Since you
14 don't like my bill, I'm O'Brien.

15 DR. KLATTE: I'm Dr. Kevin
16 Klatte. I'm the current President of the
17 Philadelphia County Dental Society. It's
18 a component society of the Pennsylvania
19 Dental Association and American Dental
20 Association. And I've been designated to
21 talk today in testimony of the issue.

22 We believe that mandating a
23 specific number of paid sick days may
24 actually force dentists to restructure
25 their current employment policies and

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2 possibly result in the reduction or
3 elimination of other paid benefits such
4 as vacation or holiday time. A doctor
5 who may now offer paid leave -- and that
6 would include vacation, personal leave,
7 holidays, and sick days -- may need to
8 adjust that policy and possibly absorb a
9 greater cost of doing business in
10 Philadelphia. Many dentists likely will
11 be compelled to reevaluate their
12 workforce and find it necessary to cut
13 jobs in order to facilitate this new
14 regulation.

15 We believe that as employers,
16 we should be able to offer paid sick days
17 at our own discretion and without
18 mandate, because we feel we're in the
19 best position to understand the unique
20 needs of our practices, our patients, and
21 also our work staff.

22 Passing this non-funded mandate
23 will likely have a negative effect on the
24 issue of access to care. Since most
25 dental practices already have a very

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2 limited staff, the unscheduled absence of
3 a staff person would most certainly
4 impact the amount and type of care that
5 we could render that day and cause future
6 delays for patients and the need to
7 reschedule their appointments.

8 This legislation comes on top
9 of some other increases, like in last
10 year the use and occupancy tax, PGW's
11 three and a half percent rate increase,
12 the Philadelphia Water Department's
13 implementation of a 17.5 percent
14 increase, and federally a recently
15 mandated federal device tax of 2.3
16 percent, and we're still awaiting to hear
17 the anticipated implementation of the new
18 property tax.

19 In addition, the bill of 130004
20 presents yet another obstacle for those
21 dentists who want to keep their practices
22 in the City and adds an additional
23 barrier to attracting new dentists to
24 open up practices in the City. Indeed,
25 we note that only four other cities in

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2 the entire country have enacted paid sick
3 leave legislation. This fact perhaps
4 suggests that such legislation in the
5 current economy; in particular, in
6 Philadelphia's current business
7 environment, is maybe not the right time.

8 I would like the City Council
9 to understand that there have been
10 several challenging directives initiated
11 by this body which have impacted dental
12 practitioners of Philadelphia. This sick
13 day legislation is an example of a
14 directive which over time burdens the
15 practices of dentistry and medicine. We
16 have seen a decrease in the number of
17 dentists practicing here in Philadelphia.
18 For example, there's been a recent
19 American Dental Association demographic
20 report. The data was gathered in 2010.
21 It reflects from 2009 to 2000. We've
22 seen a decrease in the number of
23 professionally active dentists in
24 Philadelphia. We've had an 8.6 percent
25 decrease in the dentists practicing here

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2 in Philadelphia. There's been about a 5
3 percent decrease in the population. More
4 disturbing, though, is that the amount of
5 older dentists is higher than the young
6 people moving in. There's not new young
7 dentists moving into Philadelphia. Part
8 of this, we feel, is, the inability to
9 attract young healthcare professionals
10 will have some impact on the future
11 closing of practices, which will affect
12 businesses, employers and, most
13 importantly, the citizens of
14 Philadelphia.

15 We agree with Mayor Nutter's
16 assessment that Philadelphia's employers
17 simply cannot afford to absorb this
18 costly legislation and it would be a
19 great discouragement for new businesses
20 and new dental professionals to come to
21 the City. We ask you to recommend the
22 defeat of Bill 130004.

23 Thank you for giving me the
24 time to speak today.

25 COUNCILWOMAN TASC0: Thank you

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2 very much.

3 The Chair recognizes Mr. Grose.

4 Would you come to the table, please.

5 (Witness approached witness

6 table.)

7 COUNCILWOMAN TASC0: Would you

8 state your name for the record, please,

9 and proceed with your testimony.

10 MR. GROSE: Sure. Good

11 afternoon. My name is Ed Grose and I am

12 the Executive Director of the Greater

13 Philadelphia Hotel Association, which

14 represents 91 hotels around the region,

15 including all of the hotels in Center

16 City and most within Philadelphia County.

17 I am here today to express the

18 Hotel's concerns regarding Bill No.

19 130004, which was introduced by

20 Councilman Greenlee and would require

21 Philadelphia employers to grant paid sick

22 leave to their employees.

23 Most hotels already have

24 policies in place which are more

25 favorable than the requirements in this

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2 legislation. However, granting seven
3 sick days a year would be a major
4 financial burden for smaller hotels, and
5 independent restaurants and larger
6 companies manage their employees' time
7 off in many different ways.

8 The federal Family and Medical
9 Leave Act requirement sufficiently covers
10 the concerns addressed by this bill, and
11 it would be an individual -- and it
12 should be an individual company decision,
13 not a City mandate, to adopt a more
14 lenient sick policy.

15 Bill No. 130004's provision
16 allowing employees to be absent with no
17 advanced call-out and allowing employees
18 to take leave in one-hour increments
19 cause a particularly undue burden on
20 other employees and will wreak havoc
21 within the service industry and
22 restaurants. Employees will be forced to
23 stay over or will be called with little
24 or no notice on their time off.
25 Businesses will incur excessive overtime

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2 cost and temporary labor cost of covering
3 for absent employees. Customers will
4 often receive poor service while managers
5 scramble to fill unexpected staffing
6 vacancies. Many of those customers will
7 choose to spend their money elsewhere in
8 the future rather than submit themselves
9 to such aggravation and poor service
10 again.

11 Ultimately, the policy in Bill
12 No. 130004 will increase labor costs for
13 our hotels. If forced to observe the
14 increase, the result will be higher
15 prices for customers, fewer people
16 visiting Philadelphia, less vacation
17 dollars spent in Philadelphia, and a
18 reduction of the number of jobs available
19 in our industry.

20 Currently, it is nearly
21 impossible to build a hotel in the City
22 without significant state and city
23 subsidies, as the major chains prefer to
24 locate in cities with lower taxes and
25 labor costs. The added cost of mandated

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2 sick pay will only serve to make our
3 destination less attractive and chase
4 away already skittish developers.

5 Philadelphia hotels generate
6 over \$125 million annually in tax revenue
7 for the City and Commonwealth through
8 real estate, wage, liquor, use and
9 occupancy, and amusement taxes. I am
10 hard-pressed to imagine a more taxed
11 industry in our city than the one I
12 represent.

13 There are over 11,000 hotel
14 rooms in Philadelphia employing 10,750
15 people, 80 percent of whom are
16 Philadelphia residents making an average
17 living wage of \$24,000 a year, living in
18 every neighborhood of the City. GPHA
19 works closely with agencies such as
20 Philadelphia OIC, Congreso de Latinos
21 Workforce Development, and Philadelphia
22 Academies Inc. to ensure a diverse
23 workforce from the front-line employees
24 to upper management. Our employees look
25 like Philadelphia, and these are the jobs

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2 that will be in jeopardy if this proposal
3 passes.

4 Now is not the time to make it
5 even more difficult to do business in
6 Philadelphia. The Greater Philadelphia
7 Hotel Association urges you not to pass
8 Bill No. 130004.

9 COUNCILWOMAN TASC0: Thank you
10 very much.

11 MR. GROSE: Thank you.

12 (Audience member booing.)

13 COUNCILWOMAN TASC0: The Chair
14 recognizes -- we will not disrespect any
15 of our witnesses. Thank you.

16 Mr. Greenlee.

17 COUNCILMAN GREENLEE: Thank
18 you, Madam Chair.

19 Let me work backwards here.
20 Mr. Grose, in hotels do most hotels
21 provide paid sick leave?

22 MR. GROSE: It varies depending
23 on each hotel, but from what -- with my
24 communications with my members, they
25 usually use paid time off to cover sick

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2 days.

3 COUNCILMAN GREENLEE: Okay.
4 And you know in the bill if somebody is
5 sick, the employer can subtract from that
6 paid time off?

7 MR. GROSE: Absolutely. And we
8 understand that. We are more concerned
9 about adding burden to new businesses
10 coming to Philadelphia, not even within
11 our industry but businesses in general.
12 We have not seen any corporate 500
13 companies come to Philadelphia, and as a
14 matter of fact, if you consider
15 GlaxoSmithKline moving out of Center
16 City, that's going to hurt our industry.
17 Our corporate demand has been flat for
18 many years.

19 COUNCILMAN GREENLEE: Let me
20 ask you, in your hotels, do the service
21 people, the people that clean rooms, that
22 kind of thing, people who work in the
23 restaurants, do they get paid sick leave?

24 MR. GROSE: They are under the
25 same policy as everyone else in the

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2 hotel.

3 COUNCILMAN GREENLEE: So --

4 MR. GROSE: And, again, please
5 keep in mind that it depends on the
6 hotel. I represent everything from the
7 largest hotel in the state, which is also
8 the largest Marriott in the country, all
9 the way down to a nine-room boutique
10 hotel.

11 COUNCILMAN GREENLEE: So in the
12 larger hotels, you're saying like in
13 Marriott, if the upper management people
14 get paid sick leave, so do the workers in
15 the restaurants and things like that?

16 MR. GROSE: Well, it depends if
17 they're full time, because there's
18 several different classifications of
19 employees.

20 COUNCILMAN GREENLEE: Okay.

21 Mr. Conway, first, you
22 mentioned the word "choices." You said
23 employers will have to make more choices.
24 Isn't it true that employees are making
25 choices now if they feel sick and have to

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2 choose whether to come in and get paid or
3 not?

4 MR. CONWAY: Actually, we are
5 forcing businesses to make choices, and
6 we believe --

7 COUNCILMAN GREENLEE: No. I
8 said that, but I said aren't employees
9 making choices now too?

10 MR. CONWAY: I think everybody
11 is making choices, Councilman. The point
12 that I'd like to make is that in the
13 Philadelphia food code, it's illegal to
14 come to work sick. In the restaurant
15 industry, the last thing a restaurant
16 owner wants is someone to come to work
17 sick. The one server who testified
18 earlier said she came to work with a
19 cough and the management sent her home.
20 That's what happens. And then what
21 happens in that case, Councilman
22 Greenlee, is if you can't work that
23 shift, we're a very flexible industry of
24 hourly employees. That server typically
25 trades a shift with someone else. So

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2 they're not losing the income. They come
3 back and work a shift the following week
4 and it's very flexible. So we found that
5 it works very well.

6 COUNCILMAN GREENLEE: Well,
7 that works some places, and some places
8 do that, some places don't; am I right?
9 And obviously people -- we certainly have
10 heard many, many stories -- it wasn't
11 just one person -- that basically said
12 when they are sick, if they miss, they
13 have fear for losing their job. So, I
14 mean, that has happened.

15 I mean, I could have a whole
16 lot of witnesses here today, but, you
17 know, we'd be here all night. But that
18 has happened many, many times. I've
19 heard those stories where people fear if
20 they don't come in, they're going to lose
21 their job in a restaurant.

22 MR. CONWAY: In almost every
23 case that I'm aware of, Councilman
24 Greenlee, the owner or the manager will
25 not allow someone to come to work

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2 illegally while they're sick. Now, if
3 they don't report it to their management,
4 they don't know or it's masked, perhaps
5 it's happened, but the last thing that
6 our members want is to have employees who
7 are sick serving and handling food.
8 Nothing is more important to the
9 prosperity of our business than serving a
10 safe food product.

11 COUNCILMAN GREENLEE: It seems
12 to happen a lot, but, okay. We can go
13 back and forth on that.
14 You mentioned San Francisco and
15 the quick food -- I think you call it
16 quick-service jobs or whatever. And you
17 say that -- I guess you're saying that
18 the paid sick leave contributed to that
19 downturn in those quick-service jobs.
20 Our understanding is that the
21 quick-service jobs decreased even more in
22 the surrounding counties during that
23 time.

24 MR. CONWAY: No. We --

25 COUNCILMAN GREENLEE: Couldn't

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2 that be due to just the type of jobs they
3 are, that they open and close pretty
4 quickly?

5 MR. CONWAY: I have a study
6 that I can leave with you, Councilman,
7 from the National Restaurant Association
8 that shows that employment in the city
9 decreased by 8 percent among
10 quick-service restaurants, and the
11 surrounding counties, employment in the
12 similar types of establishments increased
13 two and a half percent.

14 COUNCILMAN GREENLEE: Well, we
15 have different studies, because that's
16 not what mine shows.

17 But also during that same time,
18 information I was provided says that the
19 restaurant industry overall during that
20 time period, from 2006 to 2010, that jobs
21 increased in the restaurant industry,
22 overall in the restaurant industry.

23 MR. CONWAY: That is true.
24 We're the one industry through these
25 difficult times that has continued to

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2 grow. The problem is that we operate on
3 very tight profit margins even in good
4 economic times. So while restaurants are
5 opening frequently and creating jobs,
6 they're also closing, and this mandate --

7 COUNCILMAN GREENLEE: But they
8 added jobs, correct? So, I mean, your
9 point in pointing out the quick-service
10 jobs was that those jobs declined and you
11 inferred anyway that that had to do with
12 earned paid sick leave. So then if I'm
13 going to use that same argument, earned
14 paid sick leave added thousands more jobs
15 in San Francisco. I mean, if we're going
16 to blame earned paid sick leave, then we
17 got to give earned paid sick leave credit
18 it would sound like. You can't have it
19 both ways.

20 MR. CONWAY: I'm not sure that
21 I follow you, Councilman. I mean, after
22 the mandate was passed in San Francisco,
23 employment in the quick-service industry
24 decreased in the city by 8 percent.

25 COUNCILMAN GREENLEE: But

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2 overall restaurant jobs increased, and
3 you just said that was correct.

4 MR. CONWAY: No. No. After
5 this, in San Francisco employment
6 decreased by 8 percent. What I'm saying
7 nationally is the industry has continued
8 to grow through these tough times.

9 COUNCILMAN GREENLEE: I'm
10 talking about -- well, okay.

11 MR. CONWAY: At the end of the
12 day, the cost has to come from some
13 place, and it's most likely going to come
14 from the current payroll and workforce
15 employed in these businesses. So if a --

16 COUNCILMAN GREENLEE: So you're
17 saying overall all restaurant jobs went
18 down in San Francisco during this time?

19 MR. CONWAY: That's what the
20 study says, 8 percent overall in the
21 quick-service sector of our industry as a
22 direct result of the paid sick leave
23 mandate, and the Restaurant
24 Association --

25 COUNCILMAN GREENLEE: That's

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2 like McDonald's and things like that,
3 right, when you say "quick service"?

4 MR. CONWAY: Quick service is
5 fast, you know --

6 COUNCILMAN GREENLEE: Let's
7 face it, it's the same thing here. Those
8 kind of jobs come and go. I mean,
9 businesses open, they close for a variety
10 of reasons. But I'm talking about the
11 overall restaurant industry in San
12 Francisco, my understanding is that
13 increased, those jobs increased. I'm
14 talking about all restaurants, not just
15 quick-service restaurants.

16 MR. CONWAY: And, again, I'll
17 be happy to provide the study with you.
18 You've been great about working with us
19 and communicating with us, and we
20 appreciate that. The study shows that
21 employment decreased as a result of this
22 in the city by 8 percent. Overall
23 nationally the industry has continued to
24 grow, which is a good thing. I mean,
25 we're the one, I think, employer that has

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2 continued to grow, but, again, the tight
3 profit margins, particularly in
4 restaurants but all the hospitality
5 industries, make added costs like this
6 very burdensome, and the cost has to come
7 from some place, and it's going to come
8 from the investment that employers are
9 making today and other benefits, hours,
10 and jobs. And that's our concern here in
11 the City, where we do have chronic
12 unemployment. We heard from the Commerce
13 Department, these mandates make it very
14 difficult to invest in the City, whether
15 you're a mom-and-pop or a large company
16 or franchise. And that's why we're very
17 concerned about the bill.

18 COUNCILMAN GREENLEE: You
19 talked about the language, and I know
20 when I was meeting with you folks last
21 week, there was a lot of concern raised
22 about the people calling in and taking --
23 it was interpreted that the bill would
24 say you take two days off and wouldn't
25 have to say anything until you came in

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2 the third day. One of the very many
3 amendments we're putting in reads that
4 the employee would have to provide notice
5 to the employer on the use of sick time
6 before the start of the employee's
7 scheduled work hours or as soon as
8 practicable. And the reason we're saying
9 practicable is, because if a person is
10 having a car accident on the way in or
11 they get a call that their kid is sick,
12 they might not be able to call right
13 away.

14 So I believe that covers that
15 concern. And, remember, this is a
16 complaint-driven bill. So if somebody
17 was just taking two days off willy-nilly
18 and not calling in, I think the
19 employer -- and this also is in the
20 bill -- could take the necessary action,
21 and then it would be up to the employee
22 to take out a complaint. I think that
23 employee would have a difficult time
24 winning a complaint with the Labor
25 Standards Office if he could not provide

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2 any kind of reasonable argument about why
3 he couldn't respond in two days, he or
4 she couldn't respond in two days.

5 MR. CONWAY: Councilman, and we
6 appreciate your efforts to try to improve
7 the bill, but at the end of the day in
8 our industry, if you have to pay someone
9 to do a job that doesn't show up for work
10 and you got to pay somebody else time and
11 a half to do the same job and you're
12 operating on a 3 or 4 percent profit
13 margin, that investment has got to come
14 from some other place. Our concern is
15 it's going to come in a reduction of
16 existing jobs so that those that are
17 lucky enough to remain employed will have
18 this added benefit because it comes at a
19 substantial cost.

20 It's still -- and I understand
21 as soon as practical, but if you're
22 operating a restaurant and you don't have
23 a server there to take care of us when we
24 come in to have lunch and we're not going
25 to have a satisfactory experience, we're

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2 not coming back to that restaurant. It's
3 as simple as that.

4 COUNCILMAN GREENLEE: And if an
5 employee is sick and doesn't provide
6 proper service, he might not come back to
7 that restaurant either.

8 MR. CONWAY: Well, and that's
9 why we don't allow them to come to work
10 sick.

11 COUNCILMAN GREENLEE: Come on,
12 you know a lot of people -- come on, a
13 lot of people -- all these people are
14 lying? They're all making that up? All
15 these people that we've heard over
16 various times that we've had discussions
17 on this that say they are forced to come
18 in because they're afraid they're going
19 to lose their job, they're all making
20 that up?

21 MR. CONWAY: I don't know of a
22 single business owner in this city,
23 Councilman, who would ask or require an
24 employee to come to work sick. It's
25 illegal under the Philadelphia food code.

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2 COUNCILMAN GREENLEE: So you're
3 saying people -- all right. Mr. Conway,
4 I believe in the Easter Bunny too, man.
5 I don't know what else to say. If you
6 believe that there are not -- I'm not
7 saying the majority, but --

8 MR. CONWAY: I'm not saying
9 that it hasn't happened. What I'm saying
10 is that --

11 COUNCILMAN GREENLEE: Well,
12 that's different than what you just said.

13 MR. CONWAY: As the server who
14 testified earlier admitted, most owners
15 will require that that person go home if
16 they show up sick. We understand why
17 there's an incentive to come sick, and
18 that is unfortunate, but there is a great
19 deal of flexibility in our industry.
20 It's very frequent for people to trade
21 shifts. There's no lost income, and
22 people are able to serve food safely in
23 our restaurants.

24 COUNCILMAN GREENLEE: That's
25 fine. Keep doing that. That's not a

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2 problem. That's not a problem. Nobody
3 is saying you can't do that.

4 Just one other thing, and I
5 think Mr. Grimaldi raised about
6 litigation, defend costly litigation. In
7 the city that's had it the longest, San
8 Francisco, again, our indication is that
9 the information we were given is that
10 there were various complaints that were
11 handled through the regular process and
12 there's been no litigation filed at all.

13 MR. GRIMALDI: It's
14 interesting, Councilman, the one thing,
15 though, that has stood out, I think, in
16 the city of San Francisco -- and it was a
17 study commissioned by the Institute of
18 Women's Policy Research, and it's
19 actually on the city's website -- there
20 was a pretty hearty discussion about
21 implementation and administrative costs
22 around getting it right, and that seems
23 to be the most difficult -- I guess from
24 the perspective of the employer, seems to
25 be the most difficult thing that they're

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2 dealing with, which ultimately does lead
3 to the complaints that you're talking
4 about.

5 So it's still sort of winding
6 its way through in that respect. It's
7 that inadvertent, I think, violation of
8 the ordinance that's disconcerting.

9 COUNCILMAN GREENLEE: And you
10 also understand that the regulations in
11 this bill are not as strong as in San
12 Francisco. We don't ask this for many
13 days. There's not the collective
14 bargaining piece. So this bill is -- so
15 it would seem to me --

16 MR. GRIMALDI: And I commend
17 you for that.

18 COUNCILMAN GREENLEE: I
19 actually listened, except I keep getting
20 no back every time -- all these changes I
21 made and then I keep hearing no. I feel
22 like I'm dealing with the Tea Party or
23 something.

24 But, as I said, this bill is
25 not as stringent as San Francisco. So

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2 for that reason, it would seem to me
3 logical to think we're going to have less
4 problems than San Francisco.

5 Now, I mean, obviously if this
6 bill is passed, like I think
7 Mr. Greenberger said we can't predict the
8 future, but I think that's a reasonable
9 assumption to make. If the regulations
10 are not as strong, that we should not
11 have as much problems, and San
12 Francisco -- I guess we can debate
13 this -- does not seem to have that much
14 problem.

15 MR. GRIMALDI: I think it's
16 still -- and we can debate that based on
17 what I've read in that study, Councilman.
18 And I think also we don't know the other
19 cities that we've talked about,
20 Washington, DC. It's still too new to
21 determine where that goes with regard to
22 litigation and cost to employers. The
23 fact of the matter is, though, that they
24 have to be prepared to pay those
25 administrative costs if in fact it does

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2 and should and would happen. I think
3 that's the great concern from an
4 employer's perspective who, like the
5 restaurant industry and hotel, have
6 already thin margins.

7 COUNCILMAN GREENLEE: But isn't
8 it true that we wouldn't pass any
9 regulation then, if there's always a
10 concern that there could be litigation?
11 I mean, we just wouldn't do anything.

12 MR. GRIMALDI: No doubt, but we
13 also have plenty of regulation as it
14 stands with regard to our businesses, and
15 this is a situation where -- look, most
16 employers in my experience that I
17 represent -- and I spend my professional
18 life trying to get them to get it right.
19 They want to do the right thing, because
20 if they don't on their own, they're not
21 going to be in business very long if they
22 don't treat their employees well. I
23 think it's the idea of having it
24 mandated, increasing the cost and the
25 burden that way, that is troublesome.

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2 COUNCILMAN GREENLEE: And just
3 let me end with this. In your written
4 statement, you say unfortunately not all
5 employees are as honest as we would like.
6 That's true. We're dealing with human
7 beings. But in all fairness, isn't it
8 true that all employers are not as honest
9 as we would like?

10 (Applause.)

11 COUNCILMAN GREENLEE: So we're
12 dealing with human beings, right?

13 MR. GRIMALDI: Right, but as I
14 said, those that don't get it right -- I
15 see it. Those that don't get it right
16 lose employees. If they lose their
17 employees, they are not in business, or
18 they end up organized. We have
19 collective bargaining laws.

20 COUNCILMAN GREENLEE: Did you
21 hear what Ms. McElroy just said? I think
22 that isn't as simple as what you just
23 said. Come on now. Come on.

24 MR. GRIMALDI: Well, it's
25 pretty easy to tell an employee that

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2 doesn't get it right. I can usually tell
3 relatively quickly upon meeting them.
4 And most, in my experience, try. And
5 that's part of what I do, is to help them
6 get it right.

7 COUNCILMAN GREENLEE: Again,
8 the bill does give the employer the right
9 if the employee is obviously abusing the
10 law to take those steps, and I --

11 MR. GRIMALDI: I did hear you
12 say that, Councilman, and I commend that.

13 COUNCILMAN GREENLEE: And it
14 would be up to the employee to put -- to
15 take a complaint. And, again, I think if
16 there was not reasonable argument about
17 why that person should get sick leave, I
18 think the Office of Labor Standards would
19 probably rule against that employee.

20 So I'm not saying there are
21 never going to be any complaints filed,
22 but I just -- I think you deal more with
23 the majority than minority.

24 MR. GRIMALDI: I would like to
25 think that the Office of Labor Standards

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2 would get it right. I'm also concerned,
3 however, about those in my profession
4 that would seize upon this as a way for
5 them to make fees. And candidly, in
6 fee-shifting statutes like this, that is
7 a potential problem and a serious burden
8 for business.

9 COUNCILMAN GREENLEE: Okay.
10 All right. Thank you.

11 DR. KLATTE: Councilman
12 Greenlee, first, I want to apologize.
13 The name tags were mixed up.

14 COUNCILMAN GREENLEE: That's
15 all right. No problem.

16 DR. KLATTE: Can I just add a
17 little perspective. I've been in
18 practice for about 13 years, and I'm sure
19 the skill set for a dental staff member
20 is different perhaps than the hotel
21 industry, but each and every one of the
22 persons doing a job, I value that person.
23 It takes them sometimes years for them to
24 learn the skill sets I need them to do
25 and take care of my patients properly for

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2 us as a practice. It's a team
3 environment. I'm counting on each and
4 every one of my staff members. I would
5 never as an employer in a million years
6 think that if someone is out sick, that
7 they're not going to come back and work
8 for me. The skill sets they gather, they
9 built through the years, the
10 relationships I have with my staff and
11 the relationships we have with our
12 patients -- and I'm sure in the other
13 industries -- I can't really speak that
14 specifically for the hotel industry or
15 the other employers here, but I would
16 never consider letting someone go because
17 they're sick.

18 COUNCILMAN GREENLEE: But it
19 happens, sir. I'm not saying you would,
20 but it happens, and it happens I think
21 more than you're acknowledging.

22 DR. KLATTE: Perhaps, but an
23 employer -- if that's a good employee who
24 is in and working and knows their job and
25 does it well, there's a real value there,

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2 that that employer would be a fool to let
3 that person go because they're out sick.
4 There may be other issues going on and
5 there's other avenues and other
6 regulations in place to protect employees
7 in that situation, but I really feel to
8 provide this unfunded mandate, it's
9 well-intended, but I think the
10 consequences on the dental side --

11 COUNCILMAN GREENLEE: I'll just
12 say this once. I hear about unfunded
13 mandates a lot. Minimum wage standards
14 were unfunded mandates. Child labor laws
15 were unfunded mandates. Work safety laws
16 were unfunded mandates.

17 (Applause.)

18 COUNCILMAN GREENLEE: At one
19 point that was interfering with the
20 entrepreneurial spirit and all that good
21 stuff. Now it's accepted practice.
22 Again, I'll predict the future as much as
23 anybody else will. I think in 10, 20
24 years, paid sick leave will be an
25 accepted practice in the United States of

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2 America. We'll see. I might or might
3 not still be around. I won't be here in
4 Council in 10, 20 years, I can tell you
5 that.

6 But, I mean, that unfunded
7 mandate, it's a matter of whether it's
8 right or not, whether it's the right
9 thing to do or not, and if you just
10 let -- and I'm not saying you're saying
11 this, but if businesses were left to do
12 whatever they want -- I don't blame them.
13 They're looking at the bottom line. I
14 think it's up to us to try to find that
15 middle ground to try to not overburden
16 businesses but also help and protect
17 employees. I think this is a moderate
18 bill that does that. Obviously the full
19 Council will make that decision
20 eventually, but I guess this whole idea
21 about unfunded mandate gets thrown around
22 a lot and it sounds good, but, like I
23 said, almost every law we've had on
24 businesses at one point in time was an
25 unfunded mandate.

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2 DR. KLATTE: Well, I can tell
3 you for some of the plans that I deal
4 with from the insurance companies, one
5 for example is the FOP, Fraternal Order
6 of Police. I take care of a lot of
7 policemen and their children. I'm very
8 happy to do that. I feel it's an honor.
9 It's been over 11 years since there's
10 been any increase in the reimbursement
11 rates, and I understand the city that has
12 extra money to provide for that, but
13 we've had no increase from a practice
14 standpoint of what we collect in terms of
15 services rendered in 11 years, soon to be
16 the 12th year. There's just an amount
17 that we can absorb as a business
18 enterprise, and, frankly, there's
19 businesses leaving the City. I love
20 Philadelphia. I practice in
21 Philadelphia. It's important we have a
22 strong, vital economy in Philadelphia
23 and --

24 COUNCILMAN GREENLEE: Do most
25 dentists -- I'm sorry. Do most dentists

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2 provide vacation, administrative leave or
3 some kind of sick leave? Do they do --
4 do most provide --

5 DR. KLATTE: I believe most do,
6 yeah.

7 COUNCILMAN GREENLEE: And would
8 it be fair to say this bill -- because I
9 think a lot of local dentists probably
10 have less than 20 employees; is that
11 probably right?

12 DR. KLATTE: That's true.

13 COUNCILMAN GREENLEE: So given
14 that example, they would have to provide
15 under this bill four sick days, and
16 according to the bill, those sick days,
17 if there's not something called sick days
18 per se, could be subtracted from vacation
19 days or paid days off or administrative
20 leave days or anything like that. So I'm
21 not even sure how much a dentist would be
22 affected by this bill.

23 DR. KLATTE: I guess the
24 problem for a significant number of the
25 dentists is we don't have a huge staff.

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2 When that one or two people are gone,
3 that may be 50 percent of the workforce
4 is gone.

5 COUNCILMAN GREENLEE: But you
6 said you provide a certain amount of
7 days, and you use in your statement "at
8 the employee's discretion."

9 DR. KLATTE: Right. If they
10 come --

11 COUNCILMAN GREENLEE: If
12 there's more than four, then you're
13 already covered in the bill and these
14 small local dentists. You're already
15 covered. Right?

16 DR. KLATTE: The problem I
17 guess would be that there's no control --
18 when a staff member calls me, I have them
19 call me in the morning and I say, Hey,
20 you're feeling sick or whatever. I tell
21 them, Listen, get some fluids going, stay
22 home, do what needs to be done. Every
23 once in a while, a few that are very
24 conscientious, they actually come in in
25 the morning. I say, No, no. I sent them

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2 home. The rest of us know we have to
3 work a little harder and help out a
4 little bit. The problem we feel as a
5 society, because I'm speaking as the
6 President now, is that we lose the
7 control and the ability to oversee the
8 staff needs so we can run properly that
9 day.

10 COUNCILMAN GREENLEE: I don't
11 see where this is overseeing anything.
12 You said you provide this many days and
13 if a person called in sick, as long as
14 they had those days, they could take
15 them. So I'm losing something here. I
16 don't see where at least what your
17 example -- now, maybe restaurants and
18 others are different, but in your example
19 where this bill would have any injurious
20 affect on what you do at all. In fact,
21 it sounds like from what you describe
22 probably most give more than the days
23 that we're asking for in this bill.

24 DR. KLATTE: That's probably
25 true, yes.

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2 COUNCILMAN GREENLEE: Okay.

3 Thank you.

4 COUNCILWOMAN TASC0: The Chair
5 recognizes Councilwoman Brown.

6 COUNCILWOMAN BROWN: Thank you,
7 Madam Chairwoman.

8 Good afternoon, gentlemen. I
9 would like to respond to your quote on
10 the topic of getting it right, and I'm
11 compelled to speak on it because some of
12 the same arguments I heard during the
13 introduction of my menu labeling bill
14 were much like what I'm hearing today.
15 Councilman Greenlee opened up by talking
16 about the smoking bill, and many of the
17 friendly opponents to the menu labeling
18 bill are friendly opponents of this bill
19 today. I heard that restaurants would
20 close down, that to mandate that
21 restaurants tell us calories and carbs
22 and fats, et cetera, was onerous, that
23 employees would lose work. And so in
24 response to that and in an attempt to
25 find a middle ground, we actually delayed

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2 the implementation of the menu labeling
3 bill, because that would allow
4 restauranters a chance to prepare for
5 this new reality, and coupled with that,
6 the Health Department then held a series
7 of orientation sessions for heads of
8 major chains so that they could learn
9 what this new reality looks like.

10 And so I share that, because in
11 an attempt to get it right, there may
12 need to be some span time to walk
13 through, help through, show owners of
14 businesses how we really can do this
15 bill. It's regrettable that government
16 has to step in, but at the end of the
17 day, it doesn't become a doomsday like we
18 might think, because we heard doomsday
19 with the smoking bill and we heard
20 doomsday with the menu labeling bill, and
21 you fast forward, people are pleased to
22 have those pieces of legislation into
23 law.

24 MR. CONWAY: Councilwoman,
25 thanks for your question. I'll take the

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2 lead, and Rick may want to comment too,
3 because we talk about doing things the
4 right way, but when you look at -- the
5 smoking ban has been referenced a lot. I
6 appreciate the fact Councilman Greenlee
7 has brought it up. We worked very
8 closely with you on the menu labeling
9 initiative, Councilwoman.

10 I think the difference is, the
11 smoking ban wasn't a burdensome cost like
12 this will be. And even though menu
13 labeling did have a cost to implement, it
14 was far less significant, I think, than
15 this.

16 Most businesses' primary
17 expense is their people, and our
18 businesses succeed by taking care of
19 their people. We're in the hospitality
20 business, whether it's lodging and hotels
21 or restaurants. We think that it's a
22 great industry to work, lots of upward
23 mobility, more diversity than any other
24 industry in the country, more activity in
25 terms of economic growth, which we talked

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2 about earlier. This is a great industry,
3 and it's a great industry because it's a
4 lot of flexibility, there's a lot of
5 passion in this industry. But when you
6 really look at our people -- and we do
7 take good care of our people -- that's
8 our major cost. It's our wage expense
9 and our payroll. And if you're requiring
10 that a business, especially a smaller
11 business, pay someone that can't show up
12 to work and pay someone else probably
13 time and a half to come and do that job,
14 when you're operating on slim margins,
15 particularly in the restaurant business,
16 our concern -- this is the biggest
17 concern that we've heard from our
18 membership in the City in 20, 30 years.
19 I mean, this is so significant in terms
20 of that added cost that our members are
21 really concerned about it. And, yes,
22 were we opposed to the smoking ban at the
23 time as an industry? Yes. Did we have
24 concerns with menu labeling? Of course
25 we did. Although years after the

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2 Philadelphia smoking ban, our state
3 association came out in support of a
4 smoking ban.

5 It's just that this government
6 knows best, you know, a heavy-handed
7 mandate that's going to add a lot of
8 payroll expense we think is going to
9 eliminate jobs, reduce hours, and reduce
10 benefits of the current workforce, and
11 that's our biggest concern. It's not
12 that we don't want to take care of our
13 employees. We just think it's a
14 significant burden from a cost
15 perspective, much more so than the other
16 initiatives that you raised.

17 COUNCILWOMAN BROWN: If I heard
18 the testimony correctly, you're saying
19 it's too early to tell what the yield is
20 of the San Francisco legislation? Is
21 that accurate?

22 MR. CONWAY: Well, our study,
23 which was commissioned, I believe, by the
24 National Restaurant Association -- and I
25 can share it with you -- says that there

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2 was a reduction in quick-service jobs in
3 the city of San Francisco of 8 percent.
4 The surrounding counties around the city
5 of San Francisco, the same types of
6 businesses added two and a half percent
7 to their employment as a direct result of
8 that initiative.

9 You know, in Connecticut, which
10 applies to 50, which is even less onerous
11 now than 20 in Philadelphia, we have a
12 study that shows in Connecticut it's
13 going to reduce benefits, increase menu
14 prices, and impact current employment.
15 And, again, we're just saying, you know,
16 these mandates, while they are very
17 well-intentioned, can lead to a reduction
18 in jobs at a time when the City simply
19 can't afford it. But, Councilwoman, I'll
20 be happy to get you that study.

21 COUNCILWOMAN BROWN: Please.
22 Thank you.

23 Thank you, Madam Chairwoman.

24 COUNCILWOMAN TASC0: Let me
25 just ask a question in terms of fairness.

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2 How is it fair to provide sick leave to
3 salaried employees and not provide the
4 same service to waiters and waitresses
5 who are not covered presently by any sick
6 program by the employers? Where is the
7 fairness?

8 MR. CONWAY: Well,
9 Councilwoman, I think it's --

10 COUNCILWOMAN TASC0: And is it
11 better -- are the salaried employees more
12 important and they receive sick time than
13 the wait staff?

14 MR. CONWAY: No. It's not that
15 they're more important. It's that they
16 work full time. And generally they're
17 salaried positions and there's more of an
18 expectation that with a set salaried
19 position, that that job comes with those
20 types of benefits. Many of the folks who
21 work in our industry as servers, who can
22 generate a lot of income through their
23 tipped income, don't want to work full
24 time or really can't work full time or
25 maybe their circumstances won't allow

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2 them. They appreciate the flexibility
3 that I think the hospitality industry
4 provides to them. So you can earn quite
5 a lot of money for a less than full-time
6 position, giving you a lot of
7 flexibility, and that's a benefit of that
8 employment.

9 Now, having said that, lots of
10 the folks who do get benefits in our
11 industry started as servers or started as
12 bus people in the back of the house and
13 have worked their way up. Those that
14 want to make it a career generally move
15 into a full-time salaried position and
16 then they do have those benefits. Most
17 restaurants and hotels provide benefits
18 to those persons. Those that don't wish
19 to move into these roles don't have to,
20 but they appreciate, I think, the
21 flexibility that comes with those jobs.

22 COUNCILWOMAN TASC0: I might
23 also add to the smoking bill and the menu
24 labeling bill was also the liquor by the
25 drink. I'm just very quiet today because

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2 I've been here before. And it was
3 everybody was going to leave the City and
4 go drink in Montgomery County or Bucks
5 County. Has that happened?

6 MR. CONWAY: I don't know that
7 there was ever a study done, but, no, I
8 don't think overall -- I guess our
9 point -- and I respect your question,
10 Councilwoman, and you a great deal, as
11 you know, but I think our concern is,
12 it's sort of one thing after another. At
13 some point, businesses do invest in other
14 places, and that's our concern with
15 Philadelphia. And I know that's the
16 concern I think of those. It's not that
17 we don't want to do things to help
18 people. It's just that if you can't
19 afford it, businesses could close or
20 eliminate other positions, and it really
21 just comes down to the cost.

22 MR. GRIMALDI: And I think to
23 add to that, you get to the cost of
24 labor, which is the most significant cost
25 to any business, in particular in your

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2 industry, and I think it does appear to
3 be then piling on.

4 COUNCILWOMAN TASCO: Thank you.
5 Councilman Greenlee.

6 COUNCILMAN GREENLEE: First of
7 all, that was the same argument that was
8 used at the liquor tax, exact same
9 argument, because I was working here at
10 the time. So, I mean, I understand what
11 you're saying, it costs money, but, I
12 mean, it was supposed to be the end of
13 the world back then and now it's the end
14 of the world now.

15 MR. CONWAY: Well, the customer
16 pays that tax. The restaurant covers the
17 added payroll cost of covering the shift
18 if someone doesn't show up to work for
19 us. So there is a difference.

20 COUNCILMAN GREENLEE: But,
21 again, on all those cases, it was
22 supposed to be the death knell for the
23 industry in Philadelphia. I mean, I
24 heard -- people got real dramatic. It
25 was going to be Detroit. That seems to

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2 be the favorite comment. We're all going
3 to become Detroit. Well, we ain't
4 Detroit and we're not going to be
5 Detroit. We got a lot more things going
6 for us. You know, I think those kind of
7 arguments, like Councilwoman said, we
8 hear a lot.

9 Just one other thing,
10 Mr. Conway, because you said there's more
11 expectation for the salaried employees, I
12 think was the word you used, the phrase
13 you used. But isn't it, when it comes to
14 a restaurant particularly, the work of
15 the wait staff and the cooks and all that
16 have the most direct impact on the
17 customer? So shouldn't they be treated
18 at least the same or have the same type
19 of benefits? Because as you said
20 earlier, if I come into a restaurant and
21 I don't get the proper service or the
22 food isn't good, that's the most thing
23 that's going to have me come back. And
24 that's not to knock the upper management
25 people who might be doing a good job, but

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2 as a customer, I don't really notice that
3 that much, but I notice if I'm served
4 properly and I notice if the food is good
5 or not.

6 So I think the Councilwoman
7 raises a valid point, that it does seem,
8 getting back to my first statement today,
9 about fairness to treat the people who
10 have maybe the most direct influence on
11 the opinion of that restaurant less than
12 you do the people behind the scenes
13 doesn't seem that fair to me.

14 And as far as your point on
15 part time, isn't a lot of times people
16 aren't paid part time because then they
17 don't have to get the benefits of a full
18 time and that's the employer's choice?

19 (Applause.)

20 MR. CONWAY: That's -- the very
21 nature of our industry -- and there are
22 certain industries that are different,
23 Councilman, and, you know, certainly the
24 hospitality industry is very reliant on
25 hourly employees. But at the same time,

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2 that's not taking advantage of employees.

3 That's providing opportunities for people

4 that want to have some flexibility and

5 still earn a very good income on their

6 tipped wages. And that's what the

7 industry offers. There is a bit of a

8 difference, I think, between hourly

9 employees that don't work full time and

10 those that accept the full-time position

11 with a salary, and generally that comes

12 packaged with those types of benefits.

13 Some restaurants will offer other time,

14 but we believe that that really should be

15 a decision made on that individual

16 business owner's prerogative.

17 COUNCILMAN GREENLEE: And,

18 lastly, if they are part time, that means

19 they're earning the hours at a lesser

20 volume, so it takes them longer to get

21 the sick days that we're talking about

22 here.

23 MR. CONWAY: Well, our concern

24 with that is, I think unless the bill has

25 changed, employees can accrue up to 56

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2 hours. So, again, that's going to be
3 seven or eight days off. Our concern is
4 that employees are going to use that at
5 the end of the year if they hadn't needed
6 it for illness and it's going to be
7 another significant cost.

8 COUNCILMAN GREENLEE: Again, as
9 long as we're quoting San Francisco, that
10 doesn't seem to have happened. It
11 doesn't seem to have happened. I'm not
12 saying there will be no employee that
13 will ever do that. Again, we're dealing
14 with human beings. Again, I just raise
15 for the record there are employees who
16 will take advantage of something, there
17 are employers that take advantage of
18 something and, again, we try to find the
19 middle ground here.

20 Thank you.

21 Thank you, Madam Chair.

22 COUNCILWOMAN TASC0: Thank you.

23 And I'd just like to say that
24 this Council has been very sensitive to
25 the taxes that are paid by the businesses

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2 in this city and have worked very hard to
3 lower those taxes to make it attractive
4 to do business in Philadelphia. We hit a
5 bump with the economy and the recession,
6 so we're looking at moving forward. And
7 so I want to just make sure that you all
8 recognize that, that we are committed to
9 trying to make the City more tax
10 friendly.

11 MR. CONWAY: Thanks, Chairwoman
12 Tasco. And I'd like to thank both of you
13 and members of the Committee on behalf of
14 all of us. We appreciate the fact that
15 we always have an open dialogue and have
16 a great deal of respect for all members
17 of Council. We appreciate the chance to
18 testify today, and thank you for
19 considering our concerns with the bill.

20 COUNCILWOMAN TASC0: Thank you.
21 We appreciate your testimony. Thank you.

22 Is Dr. James Plumb here?

23 (No response.)

24 COUNCILWOMAN TASC0: We'll move
25 forward to our next panel. Mr. Mahoney,

1 3/5/13 - PUBLIC HEALTH - BILL 130004
2 Joe Mahoney of the Chamber of Commerce;
3 Al Taubenberger, Greater Northeast
4 Philadelphia Chamber of Commerce; Steve
5 Bradley, Chair, African American Chamber
6 of Commerce; Varsovia Fernandez,
7 President of the Hispanic Chamber of
8 Commerce; Narasimha Shenoy, Chair of the
9 Asian American Chamber of Commerce.

10 (Witnesses approached witness
11 table.)

12 MR. BRADLEY: Good morning.
13 I'm Steven Scott Bradley, Chair of the
14 African American Chamber of Commerce.

15 COUNCILWOMAN TASC0: Good
16 afternoon, Steve.

17 MR. BRADLEY: Good afternoon.

18 COUNCILWOMAN TASC0: We were in
19 the morning for a long time.

20 MR. BRADLEY: Councilwoman
21 Tasco, Councilman Greenlee, members of
22 City Council, my name, as stated, is
23 Steven Scott Bradley. I serve as Board
24 Chair for the African American Chamber of
25 Commerce. Also I'm a business owner in

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2 Philadelphia. I operate a commercial
3 insurance and risk management firm, and I
4 wanted to thank you for the opportunity
5 to speak today on behalf of Bill No.
6 130004, "Promoting Healthy Families and
7 Workplaces."

8 The African American Chamber of
9 Commerce is the leading advocate for
10 minority business in Southeastern
11 Pennsylvania. We strive to enhance the
12 growth and effectiveness of these
13 businesses throughout the Delaware Valley
14 and to improve the economic conditions
15 throughout the region. It is our mission
16 and responsibility to speak on behalf of
17 our memberships and the individuals that
18 we serve. As a result, my position is to
19 oppose Bill 130004. It's not just my
20 position as a business owner in the
21 region, but also as a representative of
22 the African American business community
23 and the African American Chamber of
24 Commerce.

25 After polling more than 3,000

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2 individuals through our African American
3 e-mail database and reaching out to more
4 than 2,700 through our social media, and
5 discussing this matter with our Board of
6 Directors, there was an overwhelming
7 concern that this bill would hurt African
8 American businesses in this region.

9 First of all, our members feel
10 that this would be an added
11 administration obligation to their
12 already hectic day-to-day operations.
13 Many of our businesses do not have human
14 resources departments or accounting
15 departments. This considerable time and
16 resource commitment would fall to the
17 business owners or management, and many
18 would result in rising prices and cutting
19 workers' workforce, causing more harm to
20 the businesses and their employees.

21 Secondly, our members are aware
22 that businesses outside the Philadelphia
23 region, which are direct competitors,
24 currently do not comply with this
25 measure. In other words, requiring

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2 businesses to offer paid sick days would
3 saddle owners and managers with yet
4 another competitive disadvantage and
5 will, in our opinion, discourage future
6 entrepreneurs from operating in
7 Philadelphia.

8 Finally, we feel that the
9 City's businesses are already
10 overburdened with taxes and costs that
11 make it prohibitive to operate in
12 Philadelphia, let alone maintain
13 long-term success. Last year our members
14 sustained an increase in their use and
15 occupancy tax of nearly 20 percent. They
16 are grappling with raising utility costs,
17 and all of this, of course, is against
18 this backdrop of continued economic
19 recession. This is simply not the time
20 to add more costs to local businesses.

21 We clearly understand the
22 importance of creating healthy families
23 and workplaces, but we have to do it in a
24 way that does not hurt local businesses
25 or their ability or desire to their

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2 employees. The African American Chamber
3 is receptive to being part of the
4 conversation.

5 We appreciate the opportunity
6 to testify today.

7 COUNCILWOMAN TASC0: Thank you
8 very much.

9 Next, Mr. Mahoney.

10 MR. MAHONEY: Good afternoon,
11 Councilwoman Tasco, Councilman Greenlee,
12 Councilwoman Reynolds Brown, Councilman
13 Kenney. My name is Joe Mahoney. I'm
14 Executive Vice President at the Greater
15 Philadelphia Chamber of Commerce. I
16 thank you for this opportunity to comment
17 again this year on the issue of mandatory
18 paid sick leave.

19 As we did in 2011, the Chamber
20 opposes mandatory paid sick leave. That
21 year we shared a study that was done by
22 Temple University Professor Bill
23 Dunkelberg and estimated that the
24 previous bill would have significant cost
25 for business.

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2 There has been much talk about
3 the experience in San Francisco. We have
4 been told that it was not a burden on
5 business, but it must be pointed out that
6 the two cities have very different tax
7 structures.

8 First, let's look at the array
9 of business taxes that exist in San
10 Francisco versus those in Philadelphia.
11 Currently, San Francisco has a payroll
12 expense tax imposed on corporations,
13 estates, individuals, pass-throughs, and
14 trusts conducting business in the city.
15 It is levied on separate company
16 compensation paid for services performed
17 in the city at a rate of 1.5 percent.
18 There is an exemption for taxpayers with
19 less than 250,000 in taxable payroll
20 expense.

21 Starting in 2014, San Francisco
22 will begin a five-year phase-in of a
23 gross receipts tax with progressive rates
24 that vary by industry. There will be a
25 \$1 million exemption for taxable

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2 receipts. There is no wage or school
3 income tax. There is a business
4 registration fee, which currently ranges
5 from \$25 to \$500 based on payroll
6 expense.

7 In short, the taxes levied on
8 business in the City of San Francisco are
9 not as onerous as those currently imposed
10 in the City of Philadelphia. Imposing
11 another cost on business, particularly on
12 small business, is more burdensome in
13 Philadelphia than in San Francisco.

14 Recent Bureau of Labor
15 Statistics unemployment data paints a
16 compelling picture of the competitive
17 nature of business regulation in the
18 five-county area. Philadelphia's
19 unemployment rate at 10.6 percent remains
20 only behind Salem County, New Jersey at
21 11.5 percent, while our contiguous
22 Pennsylvania suburbs were significantly
23 lower. Delaware County was at 7.9, Bucks
24 County at 7.2, Montgomery County at 6.7,
25 and Chester County at 5.9 percent.

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2 I think that it is doubtful
3 that any of our neighboring counties
4 would consider mandating this kind of
5 issue on their business communities.
6 They recognize that increasing the cost
7 of doing business causes business to
8 rethink their location decisions or to
9 limit the number of employees added to
10 the business. We should be seeking ways
11 to increase jobs, not promulgating more
12 regulations.

13 If the Council truly believes
14 that this benefit is important to the
15 success of the City and its citizens,
16 there are ways for City government to
17 encourage that behavior. On September
18 28th, 2012, I had a meeting with
19 Councilman Greenlee to discuss a host of
20 issues, including the advertising on
21 newsstands. Before leaving, I asked if
22 he had considered creating incentives for
23 businesses, particularly small business,
24 to provide paid sick leave for their
25 employees. After all, everyone

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2 recognizes that providing this benefit
3 would create costs. The question is who
4 should bear that cost.

5 On February 19th of this year,
6 Council's Jobs Commission issued its
7 report. In the list of recommendations
8 made by the Commission, Recommendation
9 No. 5 stated, "The City should pursue tax
10 reform, regulatory reform, infrastructure
11 investment, and partnership services to
12 improve the climate for small business."
13 The report stated that this
14 recommendation was designed to, quote,
15 "make the City a best place for small
16 businesses."

17 Section 6.5 of the Commission's
18 report, titled "Principle No. 4, Targeted
19 Tax Incentives," reads, quote, "As part
20 of an overall tax policy, a locality may
21 choose to make available various tax
22 incentive programs targeted to specific
23 industries, populations or actions, with
24 the intention of stimulating more
25 activity in those areas and broadening

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2 the overall tax base. Tax incentives may
3 include a package of credits designed to
4 attract a business or industry to the
5 City or a credit program intended to
6 encourage certain desirable business
7 actions such as for hiring ex-offenders
8 for new construction or major
9 rehabilitation. This too is a lever that
10 the City largely controls on its own, and
11 so can wield to great effect in
12 increasing job creation and retention,"
13 end quote.

14 If it is desirable for the City
15 to encourage businesses to provide added
16 benefits for its employees and
17 distinguish itself as a best place for
18 small business, encouraging and incenting
19 businesses to offer leave would be far
20 preferable to adding an unfunded mandate.

21 At a time where our economy is
22 extremely fragile, jobs are not
23 plentiful, and U&O taxes were raised on
24 the business community by 19 percent last
25 year, we believe that mandating

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2 additional burdens on business is
3 shortsighted. We believe that this bill
4 will damage the City's competitive
5 position in the region and will undermine
6 the goals established by the Jobs
7 Commission.

8 I thank you for the opportunity
9 to offer these remarks.

10 COUNCILWOMAN TASCO: Thank you
11 very much.

12 Mr. Taubenberger.

13 MR. TAUBENBERGER: Yes. Good
14 afternoon, Councilwoman Tasco and
15 Councilman Greenlee and Councilwoman
16 Reynolds Brown and Councilman Kenney.
17 Thank you for allowing me to be here. My
18 name is Al Taubenberger, President of the
19 Greater Northeast Philadelphia Chamber of
20 Commerce, with 800-plus member partners,
21 located mostly in Northeast Philadelphia
22 but throughout the City and even the
23 region.

24 I'm here today to speak in
25 opposition to Bill 130004, which would

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2 mandate the City business offer paid sick
3 leave to full-time and part-time
4 employees. I believe this legislation is
5 well-intended. However, it would be to
6 the increasing burden on local businesses
7 and leave them at a very competitive
8 disadvantage over neighboring suburbs and
9 counties.

10 If this bill was to be
11 considered, it should be in the halls of
12 United States Congress where everybody
13 would be on the same very fair, even
14 playing field.

15 Please allow me to give you
16 some realtime snapshots of a typical
17 Northeast Philadelphia Chamber of
18 Commerce member. The City of
19 Philadelphia already makes many demands
20 from these small businesses. There are a
21 myriad of regulations and taxes. The
22 impact of AVI on these taxes is far from
23 certain.

24 On top of all this, business is
25 very, very soft. The lingering impact of

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2 the Great Recession continues to dampen
3 profits and consumer confidence. And the
4 fact of the matter is that even in the
5 most robust economy, small businesses
6 operate on a very, very thin margin. In
7 order to remain competitive, they need to
8 keep their costs firmly in line.

9 So how long -- so along comes
10 the mandatory paid sick leave at a time
11 when all businesses, large and small, can
12 least afford it.

13 Please allow me to cite three
14 supporting resources. The first, the
15 Philadelphia Jobs Commission recognizes
16 that the already significant burdens
17 placed on local business, and in their
18 recently released report, urged the City
19 remove or streamline costly regulation.
20 This bill only adds to them.

21 Second, a Temple University
22 study concludes that this bill would
23 ultimately cost local businesses \$350
24 million and 4,000 jobs. With
25 Philadelphia's unemployment rate second

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2 highest of any county in this region,
3 this is simply unacceptable.

4 Third is shoe leather. Yes,
5 that's shoe leather. Why? Because a
6 large part of my job at the Greater
7 Northeast Philadelphia Chamber of
8 Commerce is walking the shopping
9 corridors of Northeast Philadelphia,
10 talking with business owners in the
11 shopping malls and on the avenues where
12 their small retail shops are located, as
13 well as taking plant tours as well. And
14 I have learned firsthand how difficult it
15 is to operate what we refer to as
16 mom-and-pop businesses. You work long
17 hours, you pay yourself first, and fight
18 the odds every day. Believe me when I
19 tell you today that small business like
20 this would seriously consider simply
21 eliminating their sixth full-time
22 employee and doing the work themselves
23 rather than deal with the consequences of
24 this bill.

25 Please allow me to respectfully

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2 question the actual role of government in
3 this very issue. Or course, a healthy
4 workforce bolsters a successful business.
5 That's why so many of our members
6 encourage a healthy lifestyle among their
7 employees. I know some who cover the
8 cost of fitness in fitness clubs. I know
9 of others who regularly distribute
10 healthy lifestyle materials through the
11 internet and encourage employees to
12 attend seminars focused on good
13 nutrition.

14 It should not be the role of
15 this body to regulate the health of the
16 City's workforce. Responsible businesses
17 are already doing that, and government
18 would better assist the effort by
19 allowing to make these decisions on their
20 own.

21 As I stated earlier, this is a
22 well-intentioned bill, but with serious
23 unintended consequences. I urge the City
24 Council to reject this legislation.

25 Thank you for allowing my

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2 testimony today.

3 COUNCILWOMAN TASC0: Thank you
4 very much.

5 Varsovia.

6 MS. FERNANDEZ: Yes. Thank
7 you, Councilwoman Tasco and Councilman
8 Greenlee, Reynolds Brown, and Kenney for
9 being here this afternoon.

10 For the sake of time, I'm just
11 going to offer some remarks.

12 COUNCILWOMAN TASC0: Thank you.

13 MS. FERNANDEZ: On behalf of
14 Bill 130004 for the Greater Philadelphia
15 Hispanic Chamber of Commerce and its
16 membership, I am Varsovia Fernandez, the
17 President and CEO.

18 We find that the proposed
19 legislation just comes in a very, very
20 bad timing for businesses in our city.
21 It's definitely going to place businesses
22 in a non-competitive position compared
23 with businesses in the nearby suburbs and
24 New Jersey and Delaware particularly. To
25 paraphrase what Mr. Mahoney said earlier,

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2 we have the highest taxes around here,
3 outside of Salem County, and that is
4 going to be devastating, as communicated
5 by some of our members, to Philadelphia
6 small businesses.

7 One of the biggest concerns we
8 have is that the mop-and-pops typically
9 have relatives and so forth, but to get a
10 mop-and-pop to grow outside of five
11 employees, which is what our city really
12 needs, we need to build more Philadelphia
13 larger businesses, is going to be very
14 difficult if we're going to continue
15 creating a non-competitive and unfriendly
16 environment of doing business.

17 Some of our members expressed a
18 lot of concern about the higher costs
19 that this is going to cost -- that this
20 bill, this legislation, would cost if it
21 were to be passed, and imposing a
22 mandatory bill is just poorly timed
23 economic policy for them.

24 I want to specifically give two
25 comments also from some members. When

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2 it's adding a 15th week of payroll to my
3 business means 20 weeks of additional
4 payroll to my 20 employees, and to me
5 that's a very simple way to explain what
6 this legislation can do to a business
7 from a bottom-line perspective.

8 Another member wrote, This is a
9 great bill if City Council is looking to
10 put small businesses out of business. We
11 have 12 full-time and two part-time
12 employees. If I had to pay those types
13 of benefits, we would have a hard time
14 surviving. It just seems that big
15 government continues to come after small
16 businesses for the deficits. I was under
17 the impression there was a push to help
18 small businesses in the City of
19 Philadelphia.

20 Again, we find that this bill
21 is ill-timed and it's going to add costs
22 and, therefore, the Greater Philadelphia
23 Hispanic Chamber of Commerce opposes the
24 bill.

25 COUNCILWOMAN TASC0: Thank you

1 3/5/13 - PUBLIC HEALTH - BILL 130004
2 very much. Stay, please. We'll have
3 questions at the end of this last
4 witness.

5 Good afternoon. Would you
6 please state your name for the record and
7 begin your testimony.

8 MR. SHENOY: Yes. I'm
9 Narasimha Shenoy, President of the Asian
10 American Chamber of Commerce of Greater
11 Philadelphia.

12 Honorable Councilman Greenlee,
13 Councilwoman Tasco, Councilman Kenney,
14 Councilwoman, thank you for allowing me
15 to express my opinion in this bill.

16 We oppose this bill since it is
17 a sick leave -- since it makes sick leave
18 mandatory. We need to encourage
19 employers to voluntarily provide sick
20 leave to their employees as an incentive
21 if they can afford such costs. Making it
22 mandatory would burden small businesses
23 who make just enough profit to support
24 their families and keep jobs.

25 To maintain documentation as

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2 required by this bill, small businesses

3 will be forced to hire additional

4 resources to monitor and document

5 employees' sick leave to protect

6 themselves from civil and legal actions.

7 Small business owners who are busy doing

8 their work to keep their employees

9 employed can hardly afford the time

10 required or the cost of this legislation.

11 Due to current economic

12 conditions, businesses are facing

13 declined revenue, increased cost of

14 utilities and ever-increasing tax rates.

15 This bill will impose additional

16 unexpected costs to do business in the

17 City. Some businesses will be forced to

18 downsize to make their ends meet. Cities

19 should be encouraging businesses to

20 create jobs and not force more mandatory

21 costs for them to lose more jobs.

22 This bill will create

23 unfriendly business environment in the

24 City, encourage businesses to downsize,

25 and discourage businesses to come to the

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2 City to do business.

3 On behalf of our Chamber, I
4 thank you for allowing me to express my
5 concern regarding this legislation. I
6 request that you oppose this bill.

7 Thank you very much.

8 COUNCILWOMAN TASC0: Thank you
9 very much.

10 Young lady, are you here to
11 testify?

12 MR. MAHONEY: She actually is,
13 when I'm talking about shoe leather, one
14 of the people that I met and is very
15 active in our Chamber, Beth Anne Mallick,
16 Vice President of Third Federal, Human
17 Resources.

18 MS. MALLICK: Good afternoon.
19 I am Beth Mallick, Vice President, Human
20 Resources for Third Fed Bank, and we have
21 offices in Philadelphia. And I just want
22 to express my thoughts on this bill and
23 let you know that employers will offer
24 sick days if it makes business sense for
25 them to do so. For example, the daycare

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2 providers that testified here this
3 morning, it made great business sense for
4 them to offer those sick days, so they
5 do.

6 I just don't think -- I think
7 this is a business decision and it should
8 not be legislated, because the
9 legislation has unintended outcomes that
10 we've all talked about here today, the
11 loss of jobs and the expense to
12 employers. For our bank, it's going to
13 cost us over \$300,000 a year, we
14 estimate, in order to comply with this
15 bill.

16 Employers don't save money when
17 they don't pay employees for sick days.
18 They have to cover that shift. They have
19 to pay someone overtime. They have to
20 bring in some temp at a higher rate.

21 So I just want to express as an
22 employer my thoughts on the bill.

23 Thank you.

24 COUNCILWOMAN TASC0: Thank you.

25 Councilman Greenlee.

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2 COUNCILMAN GREENLEE: Ma'am,
3 since you went last, let me just ask you
4 this before you move. Does your bank
5 provide any time off at all?

6 MS. MALLICK: Yes. Our bank
7 provides vacation and sick days. In
8 looking at this bill, we have decided
9 that what we would do is transfer to paid
10 time off where we lump all those days
11 together, but, in effect, what that does
12 is decreases the vacation time for
13 employees if we shift vacation days to
14 sick days and just call it all one.

15 COUNCILMAN GREENLEE: Wait a
16 minute. Let me back you up a second.
17 How many sick days do you provide now?

18 MS. MALLICK: For the full-time
19 employee, they get five sick days per
20 year.

21 COUNCILMAN GREENLEE: How many
22 vacation days?

23 MS. MALLICK: Depending on
24 their length of service, the beginning
25 person gets ten days vacation.

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2 COUNCILMAN GREENLEE: That's

3 15. Any other time off?

4 MS. MALLICK: No.

5 COUNCILMAN GREENLEE: Okay; 15
6 days. At the maximum, this bill would
7 ask that you provide seven. So how does
8 that hurt you? You're already providing
9 15 and this bill would only mandate you
10 to provide seven, so --

11 MS. MALLICK: Right.

12 COUNCILMAN GREENLEE: -- help
13 me on how this is a problem.

14 MS. MALLICK: It's a perception
15 by the employees.

16 COUNCILMAN GREENLEE: So it's a
17 perception. So it's not really money;
18 it's a perception?

19 MS. MALLICK: No. Our
20 employees will perceive, Well, you're
21 taking vacation time away. You're giving
22 me more sick days, but you're taking my
23 vacation time away, and that's going to
24 be a real problem.

25 COUNCILMAN GREENLEE: You don't

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2 have to -- you said five sick days, ten
3 vacation days.

4 MS. MALLICK: So if I have to
5 now give them seven sick days, I'm going
6 to take them away from their vacation
7 time. I'm not just going to add two
8 days.

9 COUNCILMAN GREENLEE: But it
10 doesn't say you have to add. If they
11 don't take those days, if they don't take
12 the sick days, then you wouldn't subtract
13 from the vacation days.

14 MS. MALLICK: Right, but some
15 might.

16 COUNCILMAN GREENLEE: What's
17 that? Say again.

18 MS. MALLICK: Am I missing his
19 point?

20 MR. TAUBENBERGER: No. Some
21 might, yeah. Some people might take
22 seven days.

23 COUNCILMAN GREENLEE: Wait a
24 minute. I can't hear two people at a
25 time. What were you saying?

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2 MS. MALLICK: If they take
3 those seven days of sick time, the
4 employee says, Well, now I don't have ten
5 days vacation; I only have eight.

6 COUNCILMAN GREENLEE: But that
7 was their choice to take.

8 MS. MALLICK: But they're still
9 going to complain.

10 COUNCILMAN GREENLEE: They
11 complain, you know. People complain to
12 me all the time. I mean, you know.

13 MS. MALLICK: Then I've got
14 dissatisfied employees, and that hurts my
15 business as well.

16 COUNCILMAN GREENLEE: Somehow
17 that's not impressing me that much. I'm
18 sorry.

19 MS. MALLICK: That's okay.

20 COUNCILMAN GREENLEE: You get
21 15 days. We're only mandating seven, and
22 you're saying that will cause you a
23 problem with your employees.

24 MS. MALLICK: Absolutely. They
25 will perceive it as my taking days away

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2 from them because now they don't get ten
3 vacation days, they only get eight.

4 COUNCILMAN GREENLEE: But if
5 they don't take those five sick days,
6 they can still take --

7 MS. MALLICK: Oh, they'll take
8 them. I have very few employees who
9 don't take their time.

10 MS. FERNANDEZ: Councilman, can
11 I add something?

12 COUNCILMAN GREENLEE: Sure.

13 MS. FERNANDEZ: Thank you. I
14 just want to add that there's also an
15 administrative cost to this. I venture
16 to say that there is a smaller or lower
17 cost for small businesses than for the
18 larger businesses, but the administrative
19 cost of being able to comply with a
20 municipal government or any
21 government-mandated legislation will have
22 an administrative cost in monetary and
23 compliance and reporting. And that's
24 also something that varies depending on
25 the size.

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2 COUNCILMAN GREENLEE: Well, let
3 me touch on that while you bring up the
4 administrative cost. And I think
5 Mr. Bradley talked about more burden on
6 record-keeping and that kind -- I don't
7 know if that was your exact words, but
8 something like that.

9 Obviously you must keep track,
10 a business must keep track of somebody
11 when they're out if right now they don't
12 pay them, but they would keep track of
13 them not being there. So what is the
14 record-keeping problem? Because this is
15 a complaint-driven bill. If an employee
16 complains that you didn't give me enough
17 sick time, then you have to check your
18 records to see, Well, did I give him or
19 her enough sick time. Where is the
20 administrative burden?

21 MS. FERNANDEZ: I think it
22 depends. If the legislation passes as
23 usual, the devil is in the details and
24 it's up to regulatory. We don't know
25 what kind of report this legislation is

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2 going to yield.

3 COUNCILMAN GREENLEE: What kind
4 of what? I'm sorry.

5 MS. FERNANDEZ: If the
6 legislation says, if this passes and the
7 final legislation says that the report
8 can just be the report that I have in my
9 office, that is okay. But then if there
10 is a different expectation, there is a
11 different mandate from government as to
12 how --

13 COUNCILMAN GREENLEE: Well,
14 we're talking about the bill today. I
15 can't talk about other bills. I can only
16 talk about the bill we got here.

17 MS. FERNANDEZ: Then point well
18 taken. Thank you.

19 COUNCILMAN GREENLEE: So then
20 it's not the administrative burden it
21 sounds like that you're saying it is,
22 right? You have to keep records if a
23 person is sick, whether you pay them or
24 not, because then you have to keep record
25 of whether you don't pay them, right?

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2 Okay. All right.

3 Then let me just --

4 Mr. Taubenberg, you talked about the
5 role of government in protecting people's
6 health. Workplace safety rules, you're
7 not for them?

8 MR. TAUBENBERGER: Certainly
9 for them. Makes common sense.

10 COUNCILMAN GREENLEE: Well,
11 doesn't that protect people's health?

12 MR. TAUBENBERGER: It does, but
13 what this bill does is add some
14 additional costs. I mean --

15 COUNCILMAN GREENLEE: If
16 workplace safety --

17 MR. TAUBENBERGER: Aren't you
18 going to want reports? Doesn't somebody
19 in this government want reports? You
20 don't want any reports?

21 COUNCILMAN GREENLEE: Did you
22 read the bill?

23 MR. TAUBENBERGER: I read the
24 bill.

25 COUNCILMAN GREENLEE: Did you

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2 see anything about providing reports,
3 except you have to provide records if
4 there is a complaint made? Nobody is
5 going to be walking in businesses and
6 saying, Let me see your records. If you
7 read the bill, I don't think you'll
8 find --

9 MR. TAUBENBERGER: I will go
10 back and check it.

11 COUNCILMAN GREENLEE: Please do
12 that.

13 MR. TAUBENBERGER: I will do
14 that.

15 COUNCILMAN GREENLEE: Please do
16 that.

17 MR. TAUBENBERGER: I will
18 absolutely do that.

19 COUNCILMAN GREENLEE: I think
20 it's important to actually know the bill.
21 But that's what it says. The only time a
22 business would have to provide anything
23 is if a complaint is made. If a
24 complaint is made, then you go back and
25 you see, Well, Bill Greenlee said you

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2 didn't give him enough sick time, and you
3 check the records to see did you give
4 Bill Greenlee enough sick time. And if
5 you can provide that you gave him the
6 proper time and that he's wrong, then
7 that's the end of it. You provide that
8 to the Office of Labor Standards.

9 Most people will never have to
10 provide anything, because that's the only
11 time you do. It's a complaint-driven
12 bill.

13 MR. TAUBENBERGER: The cost of
14 doing this, though, to some businesses,
15 particularly small ones that are on that
16 cutting edge -- and, once again, it's the
17 perception, it's not always the reality,
18 that Philadelphia is a business-friendly
19 place. If you have six employees and now
20 you're obligated to do so, why --

21 COUNCILMAN GREENLEE: Do what?

22 MR. TAUBENBERGER: Obligated to
23 give the sick time. Why not just have
24 five and be done with it and you've cost
25 somebody their job.

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2 COUNCILMAN GREENLEE: I'm not
3 saying that isn't possible.

4 MR. TAUBENBERGER: I mean,
5 that's going to happen.

6 COUNCILMAN GREENLEE: It could.

7 MR. TAUBENBERGER: It would.

8 COUNCILMAN GREENLEE: It could
9 happen.

10 MR. TAUBENBERGER: I mean, the
11 border I understand has to be someone,
12 but I wouldn't want to be that sixth
13 person.

14 COUNCILMAN GREENLEE: You know,
15 I think --

16 MR. TAUBENBERGER: Hopefully
17 you read the bill too.

18 COUNCILMAN GREENLEE: I
19 absolutely did read it, sir.

20 MR. TAUBENBERGER: No; I know.

21 COUNCILMAN GREENLEE: I
22 absolutely did read it.

23 MR. TAUBENBERGER: There are --
24 you know what's interesting? If there
25 were incentives for businesses to do

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2 that; for example, there are costs to
3 this, and it was just said \$300,000 were
4 the cost of Third Federal Bank, you could
5 debate that, and we can hone down to that
6 part.

7 COUNCILMAN GREENLEE: I'd
8 really have to debate that because it
9 sounds like she gives way more than --

10 MR. TAUBENBERGER: Well, this
11 is my point, and I'm only using the
12 300,000 because it was just stated.

13 COUNCILMAN GREENLEE: Right.

14 MR. TAUBENBERGER: They already
15 give sick leave time and so on. Why
16 don't you give them an incentive then and
17 reduce their U&O tax by \$300,000.

18 COUNCILMAN GREENLEE: Okay. To
19 use that 300,000, she's not going to, as
20 far as I can see, unless I hear something
21 differently, it's not costing her a cent.
22 She provides way more than the bill is
23 asking for. So I don't know where
24 there's a cost to her. Now, are there
25 going to be --

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2 MR. TAUBENBERGER: There will
3 be cost to others.

4 COUNCILMAN GREENLEE: But you
5 used her as an example.

6 MR. TAUBENBERGER: I did, and
7 maybe it was not the best example.

8 COUNCILMAN GREENLEE: I don't
9 see where that is, and to be honest with
10 you, I think there are a lot of cases
11 where there are people opposing a bill
12 and don't understand that they're already
13 providing probably more than the bill
14 would ask for anyway.

15 MR. TAUBENBERGER: I would
16 actually agree with that.

17 (Appause.)

18 MR. TAUBENBERGER: That is
19 already being done, but, once again, it's
20 the fact that Philadelphia has something
21 else done to curtail business growth.
22 Once again, the sixth employee, I think
23 that's a very good example. That is
24 going to cost them dollars to put out on
25 sick leave time, because you don't just

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2 replace the person. You have to -- you
3 don't hire someone, but you have to bring
4 someone else at time and a half, and
5 that's a law, which is fine. No one is
6 going to -- are you with you me on this?

7 COUNCILMAN GREENLEE: I'm
8 listening.

9 MR. TAUBENBERGER: If you bring
10 in someone to replace the waitress, the
11 cook and you have to pay them time and a
12 half, because the person that's coming in
13 to that restaurant still wants to eat and
14 they want to eat at a good price, there's
15 a cost to that restaurant of this bill,
16 and if that could be helped and be
17 mitigated by tax relief to either U&O tax
18 or property tax, you know what, you may
19 not have as much opposition as you think.

20 COUNCILMAN GREENLEE: So you
21 just provide relief to people who don't
22 provide it now. What about people who
23 have been providing it all this time?

24 MR. TAUBENBERGER: Well, there
25 is the judgment. Maybe you ought to

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2 provide it for everybody.

3 COUNCILMAN GREENLEE: Oh, sure,
4 why not.

5 MR. TAUBENBERGER: Well, wait a
6 minute. You know what? When you talk
7 about --

8 COUNCILMAN GREENLEE: You know
9 we don't have the kind of money to do
10 that, to provide everybody that provides
11 now or in the future paid sick leave?
12 Come on.

13 MR. TAUBENBERGER: Councilman,
14 you just answered the question for the
15 entire business community. A lot of them
16 cannot pay.

17 (Applause.)

18 COUNCILMAN GREENLEE: I
19 understand some of them -- I understand
20 that there are economic aspects to this.
21 I've said that from the first statement I
22 made. I also said there's health aspects
23 to this, and you had said earlier you
24 didn't think the government had a place
25 in mandating health laws, and that's why

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2 I asked about the workplace safety.

3 MR. TAUBENBERGER: Well, point
4 given, but what we need to do in this
5 city is attract business and allow people
6 to have jobs. That is the greatest thing
7 this city can do, because having a
8 good-paying job in a family is
9 everything. To encourage that sort of
10 development means a lot. If we had full
11 employment and everything was going, we
12 wouldn't have to worry about closing
13 schools or our City workers would have a
14 contract. Our firemen would have a
15 contract. We need more jobs to provide
16 more tax revenue without raising it.
17 That can be done.

18 COUNCILMAN GREENLEE: I totally
19 agree. I'd like to do that too, but I
20 also want to provide jobs and decent
21 benefit jobs too. And that's what we're
22 trying to do. We're trying to find, like
23 I said, the middle ground here. And I
24 made many, many, many changes in this
25 bill, which I have read, by the way --

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2 MR. TAUBENBERGER: I'm glad you
3 did.

4 COUNCILMAN GREENLEE: -- to try
5 to address a lot of the business
6 concerns.

7 MR. TAUBENBERGER: Well, I'd
8 like to be, if you've have me so, have a
9 continued dialogue with you on this to
10 see if there's some areas we can work
11 together on, including some tax
12 incentives to get people to do the right
13 thing.

14 COUNCILMAN GREENLEE: I'm
15 always willing to talk, but --

16 MR. TAUBENBERGER: Job growth
17 is --

18 COUNCILMAN GREENLEE: -- I also
19 want to pass this bill.

20 MR. TAUBENBERGER: I
21 understand. Job growth is one of the
22 most important things the City can help
23 do. We are lagging far behind New York
24 City, Boston, and Washington, DC. And
25 those records speak for themselves. And

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2 that's the last place I wouldn't want to
3 be in.

4 COUNCILMAN GREENLEE: Let me --
5 neither do I.

6 Mr. Mahoney, let me ask you
7 about -- you mentioned San Francisco.
8 And, look, every city is different. I
9 don't want to keep debating San Francisco
10 back and forth, but I think for the
11 record, I think we have to make clear
12 where there could be some things that San
13 Francisco doesn't charge that we do. My
14 understanding is, first, the minimum wage
15 is higher and, secondly, all employees
16 have to be provided healthcare, which is
17 not the case here. So I think there's
18 sort of a balance there. I don't think
19 it's just that San Francisco has such a
20 perfect atmosphere. They provide things
21 too that we don't.

22 MR. MAHONEY: They also have a
23 stronger economy, which the Commerce
24 Director talked about with the
25 predominance of the tech industry out

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2 there. They've always had a fairly
3 strong economy. And my point was that
4 the tax burden on their businesses is not
5 as high as it is here. So if an owner of
6 a business is making a decision on added
7 benefits for its employers, they're not
8 being burdened with as high a tax burden
9 and it may allow them to make a judgment
10 that maybe would be more difficult for
11 someone here who is being taxed at a much
12 higher rate to make.

13 COUNCILMAN GREENLEE: But maybe
14 not the tax burden, but they still --
15 there are mandates on them, healthcare,
16 minimum wage is higher. So, you know,
17 I'd have to sit down and figure out the
18 exact number, but when you talk about
19 what businesses have to put out in San
20 Francisco, I don't think it's that much
21 different.

22 MR. MAHONEY: Oh, I think
23 nobody is taxing both the net and the
24 gross side of receipts, Councilman.

25 COUNCILMAN GREENLEE: But,

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2 again, we don't mandate healthcare.

3 MR. MAHONEY: And the over 6
4 percent on that, and they're paying with
5 a \$250,000 exclusion a rate of 1.5.
6 That's significant, Councilman.

7 COUNCILMAN GREENLEE: But,
8 again, we do not mandate healthcare here.
9 What do you think that would cost for a
10 small business?

11 MR. MAHONEY: It depends on the
12 plan.

13 COUNCILMAN GREENLEE: Okay.

14 MR. MAHONEY: Let me ask -- you
15 asked one other question. I can cite
16 something in the bill that would affect
17 somebody like the Chamber, and I don't
18 know how it affects anybody else, but
19 under Section 9-3305 of the bill, Use of
20 Paid Sick Time, in the area at the bottom
21 of Page 7, No. 4, "accrued sick time may
22 be used in the smaller of hourly
23 increments or the smallest increment that
24 an employer's payroll system uses to
25 account for absences or use of other

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2 time."

3 I can tell you that our payroll
4 system at the Chamber, we can only take a
5 leave in two-hour increments and
6 quarter-day increments, you know, so we
7 would have to move to an hour increment,
8 and there would be some cost in adjusting
9 our system from the software perspective,
10 the record-keeping, and everything else
11 to come into compliance.

12 So that's one thing in the bill
13 that would impact an employer the size of
14 ours. I'm sure that there may be other
15 things as far as record-keeping that some
16 smaller employers would have to comply
17 with that a business of our size
18 already does.

19 COUNCILMAN GREENLEE: But you
20 keep track of how long somebody is away
21 from their job, right? Which is
22 basically the same thing.

23 MR. MAHONEY: But you're saying
24 the smaller of an hour -- we would have
25 to make software changes and changes to

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2 comply with the bill given that it's
3 different than what we currently have and
4 how we currently operate our business.

5 COUNCILMAN GREENLEE: Well,
6 regulations change a lot, but okay. All
7 right. Thank you.

8 Just one last question. I know
9 we have the African American Chamber of
10 Commerce, Hispanic Chamber of Commerce,
11 Asian American Chamber of Commerce, and I
12 know you're representing businesses. I
13 get that. But isn't it true that this
14 bill would affect in a high number,
15 because it affects more lower income
16 people, African Americans, Latinos,
17 Asians, immigrants?

18 (Applause.)

19 MS. FERNANDEZ: I am really
20 glad that you brought that up. Thank
21 you. Our member company, Congreso
22 Latinos Unidos, who actually is in
23 support of this, will be testifying later
24 after us.

25 COUNCILMAN GREENLEE: So

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2 they're going to testify in favor, right?
3 I think you answered my question. Thank
4 you very much.

5 MR. TAUBENBERGER:

6 Mr. Greenlee, Councilman Greenlee, if I
7 could just weigh in on one point here. I
8 just looked at the statistics, and I will
9 get them for you. I don't have them in
10 front of me now.

11 This city has done a great job
12 in minority entrepreneurship. There are
13 large numbers of African Americans, other
14 minorities that are developing their
15 business. The problem lies in the next
16 step, in them becoming larger businesses,
17 and this bill stifles them, going from
18 the five to six. That's a big hurdle in
19 business, and this bill, as it is written
20 now, does not help that process.

21 COUNCILMAN GREENLEE: You keep
22 talking about the five to six, and I'm
23 not saying that won't happen
24 occasionally --

25 MR. TAUBENBERGER: Well, that's

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2 the borderline.

3 COUNCILMAN GREENLEE: Well,
4 yeah.

5 MR. TAUBENBERGER: Unless
6 you're going to change that.

7 COUNCILMAN GREENLEE: But my
8 question was, it also helps minority
9 employees, who oftentimes are paid lower
10 and may have more health problems because
11 of that. This helps them.

12 (Applause.)

13 COUNCILMAN GREENLEE: That's
14 the point I'm making.

15 MR. TAUBENBERGER: I'm going to
16 get you this report, because the report
17 also states -- and I'd like to say, I'd
18 like to have a continued dialogue -- in
19 Northeast Philadelphia and in other parts
20 of the City -- I didn't realize this and
21 I was shocked -- 50 percent of the
22 residents of Northeast Philadelphia where
23 I live work outside the City. The job
24 growth outside the City far exceeds what
25 we're doing in the City. Once again,

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2 this bill stifles it.

3 In North Philadelphia, the
4 heart of some really impoverished areas,
5 37 percent of the people work outside the
6 City. Why? Because that's where the
7 jobs are. Many of them, I think, take
8 public transportation and take hours and
9 hours to get to their place of
10 employment. They'd have it luckier get
11 on Amtrak and be in New York in an hour.
12 I bet they have a long way to go.

13 We need job growth here, and
14 that small entrepreneur going to the next
15 level, that's where we should be of
16 assistance and not a detriment.

17 COUNCILMAN GREENLEE: I don't
18 think it's a detriment, but okay. We'll
19 disagree.

20 Thank you, Madam Chair.

21 COUNCILWOMAN TASC0: I just
22 want to add one piece of history. Back
23 in the '70s when I worked for the Urban
24 Coalition under Charlie Bowser, the then
25 Chamber was encouraging businesses to

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2 leave Philadelphia and go to Fort
3 Washington and Great Valley. I just want
4 to give that piece of history.

5 MR. TAUBENBERGER: It didn't
6 happen under my watch, and I live in
7 Philadelphia and I want to stay here.

8 COUNCILWOMAN TASC0: That was
9 an issue as we wrestled with the jobs
10 that were moving to the suburban areas
11 and the ability of our citizens to travel
12 to those suburban areas called on --
13 called us to ask the -- and we were kind
14 of shortsighted too. All the blame rests
15 everywhere. The federal government at
16 the time was giving \$250,000 to SEPTA,
17 and we called on them to provide the
18 money for transportation to the jobs
19 where the jobs were going.

20 So, you know, we were sort of
21 reaping what we did back then because we
22 did support the development of the
23 suburban areas to provide jobs, because
24 the jobs were leaving Philadelphia.

25 MR. TAUBENBERGER: Well, I

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2 appreciate what you said, Councilwoman,
3 and that may be past history that were
4 mistakes, but I'm a Philadelphian first.
5 I live here. I encourage growth in this
6 city and I have a passion for this city
7 that -- well, when you live here, I think
8 you and I understand that and many of us
9 in this room do. Philadelphia first.

10 COUNCILWOMAN TASC0: Thank you.

11 COUNCILMAN KENNEY: Madam
12 Chair?

13 COUNCILWOMAN TASC0: Yes.
14 Councilman Kenney.

15 COUNCILMAN KENNEY: For
16 Mr. Taubenberger, workplace safety rules
17 are generally enforced by whom?

18 MR. TAUBENBERGER: Many times
19 by OSHA.

20 COUNCILMAN KENNEY: So it's a
21 federal standard that applies to
22 everyone. So it's not Philadelphia
23 centric workplace rules.

24 MR. TAUBENBERGER: No.

25 COUNCILMAN KENNEY: There are

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2 hard hat rules and other types of toxic
3 issues and things that deal with
4 businesses across the country.

5 MR. TAUBENBERGER: That is
6 correct.

7 COUNCILMAN KENNEY: If you had
8 a different hat, if this bill passes and
9 you wore a different hat, say you were
10 the Chairperson or the head of the
11 Montgomery County or Bucks County Chamber
12 of Commerce, would you utilize this as a
13 disincentive to people you were
14 negotiating with to stay in your county
15 or to come to Philadelphia?

16 MR. TAUBENBERGER: I would urge
17 and say, Look, come to Montgomery County,
18 Bucks County, we have less rules and
19 regulations if this bill passes only for
20 this jurisdiction, sure.

21 COUNCILMAN KENNEY: You would
22 also tout or demean our tax structure as
23 it currently exists, which I'm sure is
24 done now.

25 MR. TAUBENBERGER: It's a

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2 detriment.

3 COUNCILMAN KENNEY: And you
4 would utilize this particular
5 opportunity --

6 MR. TAUBENBERGER: Absolutely.

7 COUNCILMAN KENNEY: -- to add,
8 to pile on.

9 MR. TAUBENBERGER: Absolutely.

10 COUNCILMAN KENNEY: Thank you.

11 COUNCILWOMAN TASC0: Thank you.

12 MR. TAUBENBERGER: You're
13 welcome. We do have some notes of
14 testimony here, if we can leave them
15 here.

16 COUNCILWOMAN TASC0: Good.

17 MR. TAUBENBERGER: Thank you
18 very much.

19 COUNCILWOMAN TASC0: Thank you.

20 We're going to take about a
21 five-minute break for our stenographer
22 and we will begin in about five minutes.

23 (Short break for stenographer.)

24 COUNCILWOMAN TASC0: Could we
25 please come to order. Our next panel

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2 will be Joe Morozin from The Dining Car;
3 Terry Tracy, retail executive; Bruce
4 Cooper; and Fernando Suarez.

5 (Witnesses approached witness
6 table.)

7 COUNCILWOMAN TASC0: Mr.
8 Morozin?

9 MR. MOROZIN: Yes. My name is
10 Joe Morozin. I'm a family member that
11 owns and operates The Dining Car. We're
12 a 24-hour diner in Northeast
13 Philadelphia.

14 I don't want to restate
15 everything we've heard over the last four
16 hours. It's obviously a waste of time
17 for all of us moving forward, but I do
18 have to explain in my own personal
19 example, both personally obviously and
20 professionally, the impact that something
21 like this has on the small business
22 owner. Now, I consider myself a small
23 business, but we have nearly 146
24 employees, but we have one diner, one
25 family running that diner. We're open 24

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2 hours. We've been in business for 52
3 years.

4 So getting back to perhaps a
5 specific example of how this impacts us,
6 if a cook were to call out sick -- and
7 most of our people make between \$12 and
8 \$13 an hour on the shorter line -- that's
9 basically a hundred dollar day that man
10 or woman, that person, gets paid for.
11 Now, the customer doesn't care that the
12 cook called out sick or there was a
13 problem with the business. They just
14 want good food and good service. So they
15 come in expecting business as usual, as
16 they have for the last half a century,
17 and we give it to them. So I bring in
18 that employee, another cook.

19 All of our cooks are full time.
20 So now that person comes in at time and a
21 half, which would be basically, what's
22 that, \$16 an hour or \$18 an hour, I
23 guess, \$12, plus time and a half. So
24 that employee comes in and that employee
25 makes \$150. So one shift has been missed

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2 due to a sick day and I've paid \$250.

3 Now, again, having so many
4 employees in the business, if another
5 cook gets sick that week or like stated
6 earlier, the flu is going around and
7 several staff members are out, all
8 collecting a paycheck from me, I want you
9 to understand the burden on us. It could
10 be 2, 3, 4, maybe even \$500 lost in
11 payroll that week. But that's \$25,000 a
12 year. That's a lot of money.

13 Now, it's not just that cost.
14 This bill, in its purest form, is a good
15 thing. I respect that. We've got a lot
16 of employees that worked for us for many
17 years. My head chef at The Dining Car is
18 a year older than me and about to put in
19 his 37th year at The Dining Car. The man
20 started when he was 17. He wouldn't work
21 for me for 37 years without any of the
22 benefits we're talking about today unless
23 there was a reason to.

24 These people are family members
25 to us. Many people have worked for us

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2 for over 30 years. But, no, I'm not in a
3 position to pay them for sick leave. If
4 I had the money, and in the past when we
5 did have the money and through the '80s
6 and the '90s when the hotel and
7 restaurant industry was booming and doing
8 well and there was less regulations and
9 less costs and less expenses for
10 insurance and costs of goods and we
11 weren't paying a surcharge to every
12 single truck to pull into The Dining
13 Car's parking lot and pay them just to
14 bring us the food, like we do now, yeah,
15 we had more money, and we shared it with
16 the employees.

17 I can't do it any longer if I
18 want to keep my doors open. We struggle
19 like everybody else, and we're considered
20 to be, and I feel in my heart, a very
21 successful operation. But the burden of
22 paying that -- and it's not just this one
23 bill being passed. When City Council
24 passed the ordinance to put a medallion
25 on every dumpster for \$50 a year, The

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2 Dining Car wasn't here screaming and
3 carrying on and saying, Oh, my, this is
4 an undue burden. But it's the piling on.
5 It's the bigger picture that you need to
6 understand.

7 You said you've been very fair
8 in trying to lower taxes. I just got a
9 tax assessment bill in the mail from the
10 OPA taking my property from its \$815,000
11 property value to 4.1 million. Somebody
12 took that number and multiplied it by
13 five. My taxes are \$24,000 a year. If
14 they're low, I'll pay more. Okay? But
15 based on that assessment of 4.1 million,
16 even throwing around the lowest number
17 they're going to multiply that new
18 assessment by, my taxes are projected to
19 go from \$51,000 to \$57,000 a year. Where
20 does that money come? Where does the
21 \$25,000 to \$30,000 for this bill come
22 from? I'm still trying to figure out
23 this January how we're going to pay for
24 the employees' full-time healthcare
25 benefits. That's another \$150,000.

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2 There's only so much water in
3 the well. Again, we love our employees
4 and respect them and appreciate
5 everything they do. You've talked about
6 fairness. Doesn't the business owner,
7 doesn't the small business owner deserve
8 any fairness either?

9 I was here with you two years
10 ago and stood here and gave a speech and
11 read from a script, and now, you know,
12 I've listened. Everything I had written
13 down, I was going to wax poetic and give
14 you a lovely speech, like I did before.
15 Everything has been mentioned. But the
16 burden that it places on the small
17 business owner -- and I don't think you
18 can kill small business in Philadelphia,
19 but I think you can relocate it.

20 Fifty-two years we're born and
21 raised in the City. I love Philadelphia.
22 God willing, my business, if it stays,
23 knock on wood, my business will be open
24 another 52 years, and I want to be in
25 Philadelphia. But we want to expand

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2 also. And how? How? These costs are
3 killing us.

4 And I want to take care of my
5 employees. When they're sick and at the
6 end of the month if something happens,
7 yes, you know, it's shift work, like been
8 mentioned already.

9 I don't want to repeat
10 everything you've already heard. You
11 know our side of the story. But when my
12 employee comes to me and says, Joe, I
13 can't make my rent this month, my
14 electric is going to get shut off, I
15 don't need you to tell me that I have to
16 give that man or that woman a \$400 loan
17 and take back \$25 a week. Okay? I do
18 it. I do it, because it's the right
19 thing to do.

20 (Applause.)

21 MR. MOROZIN: So not every
22 small business owner is a scumbag and is
23 a, Oh, I'm going to work my way around
24 the system. I'm trying to figure out how
25 to pay healthcare next January in 2014

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2 from the federal standards that are being
3 employed, not cut all my employees under
4 30 hours to work my way around it. And
5 good business owners will always do that.

6 But I don't care if you don't
7 want to hear the fact that times are
8 tough or not, but they are. They are.
9 And if a business as successful as mine
10 is struggling, the little places on the
11 bubble, I'm telling you, they're gone.
12 They are gone after this bill gets
13 passed. It's my opinion. On this one
14 I'm afraid we'll have to agree to
15 disagree, but I really appreciate your
16 time here today and allowing us to speak.

17 Thank you.

18 COUNCILWOMAN TASC0: Thank you
19 very much for your testimony.

20 (Applause.)

21 COUNCILWOMAN TASC0: Mr. Tracy,
22 how you doing?

23 MR. TRACY: Hi. Thank you,
24 Madam Chairwoman. I hope you'll indulge
25 some of the recurring themes from our

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2 conversation last week.

3 My name is Terry Tracy. I'm a
4 resident of the Fidler Square section of
5 the City and a product of two of the
6 City's universities, Temple and Penn,
7 where I studied government
8 administration. Professionally I've
9 spent the last decade holding senior
10 management positions for multiple
11 national apparel retail brands, with a
12 focus on retail strategy, merchandising,
13 and store operations. Over the course of
14 my career to date, I have worked in New
15 York City, San Francisco, and Tokyo. I
16 have managed apparel retail stores in
17 every population center in the U.S. and
18 Canada. As a student of public policy
19 and a merchant by trade, I have unique
20 perspective on how a city's public policy
21 choices can shape the retail landscape.
22 In a capital-intensive, low-margin
23 business like brick and mortar retail,
24 small shifts in policy can have a
25 disproportionate impact.

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2 To illustrate the point, I ask
3 that you consider your own travels. A
4 trip down -- a trip to New York is
5 incomplete without a stroll down 5th or
6 Madison Avenues. In Los Angeles, it's
7 Rodeo Drive or Sunset Boulevard. In
8 Chicago, the place to be is North
9 Michigan Avenue. Houston, the Galleria.
10 Even in cities a fraction of the size of
11 Philadelphia, shopping districts like
12 Newbury Street in Boston or Union Square
13 in San Francisco or Highland Park in
14 Dallas attract hundreds of thousands of
15 shoppers every year from near and far and
16 employ thousands of local workers.

17 If you had been to any of these
18 shopping districts, I ask you to consider
19 why on average the stores tend to be
20 bigger, carry more inventory, and have
21 more employees working their sales floors
22 than a comparable store in Philadelphia.
23 They have still managed -- despite the
24 fact that they face many of the same
25 inherent challenges as Philadelphia,

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2 these cities have still managed to
3 capture the intention of trendsetters and
4 investors and create the kind of unique
5 experience that Walnut and Chestnut
6 Streets have yet to deliver in the eyes
7 of the retail world.

8 In a recent Philadelphia
9 Marketing Alliance report, there was
10 considerable effort made to demonstrate
11 that Center City retail market
12 fundamentals continue to improve. The
13 total demand for shoppers goods in a
14 primary trade area, one mile from where
15 we sit today, is more than 750 million.
16 I quote, "Those retailers with a Center
17 City presence benefit from a downtown
18 residential population approaching
19 180,000, a daytime office population of
20 260,000, eight and a half times that of
21 King of Prussia, and tourist traffic that
22 exceeds 12 million overnight visitors
23 annually."

24 Retail is a funny business in
25 the sense that success is often measured

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2 by the anecdotal rather than the
3 analytical. Two things struck me as
4 peculiar. The first is the assertion of
5 improvement. Relative to what? What is
6 our baseline expectation? Relative to
7 those aforementioned cities with whom we
8 compete for tourist share of wallet, we
9 have work to do.

10 The second curiosity is the
11 comparison to King of Prussia. Why is it
12 that a market such as Center City, with a
13 daytime population eight and a half times
14 that of King of Prussia, boasts a
15 fraction of its retail offerings? Why is
16 it that King of Prussia, home to the
17 largest mall of the nation in terms of
18 pure retail selling square footage, is
19 about to embark on a \$250 million luxury
20 wing expansion, while Philadelphians
21 cross their fingers that the old Borders
22 Bookstore space at Broad and Chestnut
23 does not fall into the hands of yet
24 another discount drugstore. It's not by
25 accident.

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2 We ignore Montgomery County, at
3 our peril. Philadelphia's business
4 climate is not competitive enough. The
5 cost of doing business is simply too
6 high, taxes, red tape, the cost of crime,
7 given the expected financial return.
8 However well-intentioned the proposed
9 mandatory sick leave bill may be in its
10 present form, it is indicative of a
11 fundamental misunderstanding of basic
12 retail economics and will likely yield
13 adverse results.

14 Back of the envelope. Let's
15 assume you're staffing about an
16 above-average chain specialty retail
17 store in Philadelphia with annual gross
18 receipts of a million dollars a year. By
19 industry standards, chain retailers
20 generally run a payroll percent between
21 12 and 14. However, for the sake of
22 argument, let's assume a heightened
23 payroll percent of 18 to 20, because even
24 though it's more expensive to operate in
25 Philadelphia, you believe in the market's

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2 long-term potential. So you fix your
3 payroll budget approximately 200,000 a
4 year. You hire a manager at \$20 an hour,
5 a supervisor at \$14 an hour, you hire
6 nine sales associates at a base wage of
7 \$8 an hour, with an open availability to
8 staff the balance of your operation. A
9 responsible financial plan would need to
10 freeze \$13,000 in the annual payroll
11 budget to accommodate the proposed
12 mandate as it stands today. Given the
13 base 16,000 salary of a single sales
14 associate, you have a decision to make.
15 One, hire one fewer sales associate; two,
16 pay lower wages across the board; three,
17 reduce available staff hours; four, pass
18 the additional cost onto the consumer.

19 The last option is not really
20 an option, as you are already trying to
21 remain competitively priced despite a
22 higher sales tax and higher incidental
23 costs like parking relative to
24 neighboring counties.

25 Further, while the static labor

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2 model is useful to make a point, the
3 reality is that retail staffing models
4 are significantly more dynamic and very
5 sensitive to various trends and
6 productivity that wax and wane with
7 consumer demand. In this unpredictable
8 environment, your company will
9 de-leverage, directing the most
10 conservative approach possible, some
11 combination of fewer regular employees at
12 reduced wages and/or hours, particularly
13 if even lower cost seasonal or contract
14 workers can be counted on in a pinch.
15 After all, payroll is your most
16 controllable expense.

17 The bottom line is that costs
18 associated with this legislation will
19 result in fewer working Philadelphians
20 and artificially depressed wages.

21 Even if you assumed in a
22 scenario that your company would simply
23 absorb the additional expense in its
24 payroll budget, the question becomes at
25 what cost. The pie is but only so big.

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2 What other working conditions might go
3 unaddressed? What other investments,
4 particularly in human capital, gets
5 shelved?

6 As a manager, would you be
7 happy to see discretion on these issues
8 to City government? Would your employees
9 simply prefer a higher wage, more hours,
10 a potential bonus, access to training?

11 COUNCILWOMAN TASCO: You're
12 going to have to summarize the rest of
13 your testimony.

14 MR. TRACY: Absolutely.

15 The key is to understand the
16 goal. What are we trying to solve for?
17 Based on my reading of the bill, it
18 represents a noble attempt to ensure
19 those who may work the most but have the
20 least have some reasonable level of wage
21 protection when they fall ill, by no
22 fault of their own. While I find most
23 chain retailers have reasonable and
24 equitable absentee policies, I believe
25 there is a way to achieve the general

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2 objective without painting such broad
3 strokes.

4 Should the benefit be applied
5 to affluent spouses who are working at
6 their leisure for a little extra spending
7 money? Should it apply to college
8 students whose healthcare costs are
9 typically subsidized by their parents or
10 university? Is it possible to strike a
11 balance between crafting legislation to
12 targets most in need while mitigating
13 expense to business?

14 In Saturday's Times, President
15 Obama's former Chairwoman of the Council
16 of Economic Advisers, Christina Romer,
17 said many assume government protection is
18 the only way of ensuring decent wages for
19 most workers, but basic economics shows
20 that competition between employers for
21 workers can be very effective at
22 preventing businesses from misbehaving.
23 Robust competition is a powerful force,
24 helping to ensure workers are compensated
25 in line with their contribution to the

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2 bottom line.

3 In making a case against an
4 increased minimum wage --

5 COUNCILMAN GREENLEE:

6 Mr. Tracy, I have to ask you to --

7 MR. TRACY: I'm just wrapping
8 up.

9 COUNCILMAN GREENLEE: Because
10 we're trying to -- there's a lot of
11 people that need to testify.

12 MR. TRACY: She pondered an
13 expansion of the earned income tax
14 credit.

15 That is the way to address this
16 legislation. There is a way to achieve
17 both. There is a middle ground. This
18 legislation as presently constructed is
19 not a step in that direction. I would
20 submit for your consideration there is a
21 reasonable and imaginable solution in
22 between.

23 Thank you.

24 COUNCILMAN GREENLEE: Thank
25 you.

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2 Mr. Cooper?

3 MR. SUAREZ: My name is
4 Fernando Suarez.

5 COUNCILMAN GREENLEE: Please.
6 You go, and Mr. Cooper, he'll go next.

7 MR. SUAREZ: Thank you for your
8 time and thank you for staying.

9 COUNCILMAN GREENLEE: A little
10 more closer to the microphone.

11 MR. SUAREZ: Thank you for your
12 time. Thank you for staying a little bit
13 longer. My name is Fernando Suarez. I'm
14 the owner of Fernando Suarez Income Tax.
15 I actually welcome the opportunity to
16 speak in front of the board in reference
17 to this bill.

18 Simply put, this legislation
19 will crush businesses in Philadelphia.
20 I've been working for 25 years in this
21 community as a tax preparer. I actually
22 interview over 500 businesses every year
23 doing their taxes and being their
24 accountant. So I'm on the street
25 listening to these people. And I

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2 actually file over 2,000 business
3 licenses a year for these people and get
4 these licenses. So I'm seeing them start
5 the businesses and seeing the business
6 grow and seeing the communities grow in
7 the City of Philadelphia.

8 Well, what I do in my business,
9 I do accounting, tax preparation, payroll
10 planning, and the licenses. I'm also a
11 very soft voice to a large group of
12 people. There's 3,000 grocery stores in
13 the City of Philadelphia. Most of my
14 clients are grocery stores. These people
15 are managing to start doing bookkeeping,
16 managing to start doing accounting, one
17 of the first time in 25 years of doing
18 the right thing. They are employing
19 three, four, five, six people, and
20 they're reporting two, three, and four.
21 I actually sit and beg them to do the
22 right thing all the time, and it's very,
23 very difficult, specifically when
24 businesses are starting in the City of
25 Philadelphia.

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2 So today what the bill is
3 asking is, should I put another person to
4 work, and if he is working, should I put
5 him on the books? And I think that's an
6 issue that people are not noticing,
7 because there is an underground economy,
8 and this bill will just push it back down
9 again.

10 When people are maturing,
11 specifically in the Hispanic market
12 they're maturing, they're actually right
13 now having as business owners to make a
14 big decision.

15 There's an assumption here that
16 Hispanic -- business owners are making a
17 lot of money. They're not. They're
18 making less and less money. Personally
19 I've never worked so hard in my life, and
20 I'm making less this tax season than
21 ever. So the assumption that business
22 owners can actually pay and afford this
23 is a very big assumption.

24 Now, there is a lot of people
25 in the room saying but we need to be

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2 taking in consideration when we get sick
3 and we need this extra time. Yeah. As I
4 see it is, there's some bad employers out
5 there, but the majority are very, very
6 good employers. They actually care about
7 their employees. Now, this is kind of
8 blunt to say, but as an employer, it's
9 very difficult to hire someone and to let
10 someone go, but we have to choose on who
11 we hire. We could also as employees
12 choose on who we work for.

13 If this is -- if there's a
14 company such as The Dining Car -- I'd
15 love to work for the Dining Car, because
16 he has good benefits, and I have to
17 struggle to be in that position. If
18 there's some bad employers, they weed
19 themselves out by not having this in
20 place -- by actually not having this in
21 place.

22 So I believe that the economy
23 in the City, as in the world, gets run by
24 everyone's personal decision on how we're
25 going to spend this money, and by

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2 spending this extra money, we're going to
3 have less and less employees. We're
4 going to have less and less money being
5 circulated within our community, because
6 it's going to go back underground.

7 COUNCILMAN GREENLEE: Thank
8 you, Mr. Suarez.

9 Mr. Cooper, and then any
10 questions.

11 MR. COOPER: Thank you very
12 much. After that last lengthy testimony,
13 it makes me want to move to King of
14 Prussia for all the businesses up there.

15 I have been the owner of Jake's
16 Restaurant and Cooper's Wine Bar for 25
17 years. I'm also the President of
18 Manayunk Development Corporation, the
19 Vice President of Manayunk Special
20 Services District. I can go on with what
21 I've typed and it's on the table for
22 everyone to read, but the one thing that
23 I wanted to bring to the table was the
24 exact cost of what this costs a small
25 business that's being squeezed at pretty

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2 much every end, with 3,600 square feet of
3 space to make it in.

4 The use and occupancy tax bill
5 went up at \$1,594 a year. The service
6 credit card gratuity cost costs me
7 \$11,178 annually. And the one week of
8 payroll, without payroll costs and
9 without overtime factored in, is \$12,750.
10 That also, in addition to the valuation,
11 the AVI, God only knows, we're at least
12 at \$27,000 for one space. There's only
13 really so much room at the pie to cut up.

14 I think that seven days is
15 abuse. I mean, we give -- as a
16 restaurant, we give -- matter of fact,
17 for years I never even tallied sick time
18 that was paid to managers. In most cases
19 the managers will make less net than the
20 actual servers will make on any given
21 week or most weeks of the year, and then
22 they're only working for 35 hours when
23 the manager is working usually 65 hours a
24 week, 60 hours. And the benefits are the
25 only added benefit really, excluding

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2 adding extra time, and that is what we
3 offer.

4 But in over 25 years, I've had
5 two years where I paid two people more
6 than five days, and every other time it's
7 never been seven days for anyone.

8 COUNCILMAN GREENLEE: Okay.
9 Thank you. Just a quick question just so
10 I'm clear for the business owners there.
11 Mr. Cooper or Mr. Morozin, you started
12 touching it on the end. Do you offer any
13 paid time off for servers?

14 MR. COOPER: For servers?

15 COUNCILMAN GREENLEE: Yeah.

16 MR. COOPER: No. Servers --
17 well, first off, they won't give up the
18 time. I mean, servers are about 20-some
19 percent of my payroll, but they're only
20 10 percent costs of the actual payroll
21 cost because of the pay and expecting the
22 tips. So in most cases, they're not
23 going to benefit from this to begin with,
24 because they're only going to call out
25 when actually the sun is shining, the

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2 Phillies came is on or when it's actually
3 a rainy day and they think they're not
4 going to make any money.

5 COUNCILMAN GREENLEE: That was
6 said in San Francisco. It didn't prove
7 to be true, but okay. All right.

8 Okay. Thank you very much.

9 MR. COOPER: They're not going
10 to miss \$250 so they can collect minimum
11 wage.

12 COUNCILMAN GREENLEE: Okay.
13 Thank you.

14 Thank you all very much.

15 The next panel, Manish Patel,
16 Dave Magrogon -- I apologize if I'm
17 saying any name wrong -- Paul Rockelmann,
18 and Joe Hainthaler.

19 (Witnesses approached witness
20 table.)

21 COUNCILMAN GREENLEE: All
22 right. Mr. Patel, your name is first, so
23 if you'd like to go first. Please
24 identify yourself and proceed.

25 I'm asking everybody to try to

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2 be as brief as possible. I know you want
3 to get your point across, but we still
4 have a lot of people that want to
5 testify.

6 Thank you, sir. Please.

7 MR. PATEL: Councilwoman Tasco
8 and members of the Public Health and
9 Human Service Committee, my name is
10 Manish Patel. I am the Co-President of
11 19 restaurants in the City of
12 Philadelphia.

13 The potential proposal would
14 mandate any employer with more than four
15 employees to provide paid sick leave to
16 full- and part-time employees. This is
17 an extremely costly measure that will
18 result in fewer jobs and even less job
19 growth than already struggling economy.
20 Even in better economy conditions, not
21 all businesses can afford the expense of
22 paying employees who do not come to work,
23 and this is not indicative of lack of
24 concern for my employees but the reality
25 of owning a small business with razor

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2 thin margins.

3 My company, Mitra QSR, has been
4 in business since the beginning of 2012.
5 We employ about 500 employees in 19
6 restaurants in the City of Philadelphia.
7 And one of our core values is to value
8 all people, and we treat our employees as
9 our number one asset.

10 We pay an estimated \$218,000
11 annually to the City of Philadelphia and
12 its affiliates, with a workforce of
13 around 500. Our employees also
14 contribute to the revenues of the City of
15 Philadelphia in the form of sales and
16 personal taxes.

17 Most of our restaurant industry
18 margins have been cut razor thin due to
19 high food cost, job loss, and low
20 consumer spending, which has gone down
21 over the last five years, and/or economic
22 conditions.

23 For the restaurant industry,
24 the number one issue is food safety, and
25 in our company, that is very mandatory

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2 for all the RGMs, restaurant general
3 managers, that if there's an employee
4 that's sick, that person cannot work on
5 that shift, as simple as that. So we
6 consider the food safety issue as a very
7 critical issue on our part.

8 Restaurant margins are roughly
9 about four cents in profits for every one
10 dollar in sales. These are incredibly
11 tight margins that I must take into
12 consideration with every business
13 expense. I cannot afford to pass this
14 additional cost to our consumers, but we
15 may be forced to do that if this thing
16 goes through.

17 As a small business owner, I'll
18 be forced to reduce the benefits for our
19 employees and even look at closing some
20 of the units with increased financial
21 burden because of this mandate. This
22 matter will make our restaurant's general
23 manager even more tougher because he or
24 she has to manage somebody who is calling
25 in sick an hour before the shift.

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2 We have an increased business
3 and property tax in the City of
4 Philadelphia. Over the long term, the
5 City will suffer as businesses will not
6 invest in the City. Passing the Sick
7 Leave Act in the City of Philadelphia
8 will further put a burden on the City's
9 productivity and businesses that operate
10 in the Philadelphia area and may actually
11 drive business away to neighboring
12 cities.

13 In short, we truly believe that
14 passing such law in the City of
15 Philadelphia will be a losing proposition
16 for everyone involved.

17 Thank you.

18 COUNCILMAN GREENLEE: Thank
19 you.

20 Who would like to go next?

21 MR. MAGROGAN: Councilman
22 Greenlee, thanks for the time today. My
23 name is Dave Magrogan. I own restaurants
24 around the country, but we're
25 headquartered outside of West Chester,

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2 Pennsylvania. We have three restaurants
3 in the City of Philadelphia. Two of our
4 restaurants have just opened in West
5 Philadelphia, one at 34th and Sansom, Doc
6 Magrogan's Oyster House, one at 40th and
7 Walnut, Harvest Seasonal Grill and Wine
8 Bar, and another one in Manayunk,
9 Kildare's Irish Pub.

10 I'm not going to reiterate what
11 everybody else has already said, but I
12 think from my perspective, what's
13 important is, I look at opportunities
14 every day inside and outside of the City,
15 and it's very difficult to do business in
16 the City. It's expensive to build in the
17 City. The tax rate is higher. The
18 structure of everything is higher to do
19 in the City, and it does make the suburbs
20 much more -- a better opportunity to look
21 at in the suburban market.

22 One point that I think is very
23 important with this particular bill is
24 the break-even numbers in restaurants.

25 Sorry.

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2 COUNCILMAN GREENLEE: Thank
3 you.

4 MR. MAGROGAN: I look at the
5 break-even numbers in restaurants. When
6 I look at the break-even, this isn't
7 about us -- somebody yelled before,
8 Walmart or the AFL-CIO, said they had a
9 million dollar budget and they can
10 achieve this within their budget. We
11 don't have budgets that are fed to us.
12 We have budgets based on what our sales
13 are. So in our business, we have a
14 break-even number, and we have that
15 number every single week.

16 So I'll give you a good
17 example. A new restaurant like Harvest
18 Seasonal Grill and Wine Bar, \$2.5 million
19 investment. We did a loan through the
20 PIDC and the City of Philadelphia. There
21 was a \$2.5 million investment and we
22 employ 85, 90 people. Our break-even
23 number right now at that restaurant is
24 about \$48,000 a week. That's before we
25 make a penny in profit. So we have to

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2 bring in \$48,000 in revenue to pay all
3 our loans, our landlord, our rent, every
4 single bill we have.

5 This particular bill could
6 affect that restaurant about 800 to a
7 thousand dollars a week in labor costs.
8 So now my break-even goes to 49. This is
9 a restaurant that last week did 42,000.
10 So last week I lost \$6,000 keeping my
11 doors open. And this is the true
12 economic condition of restaurateurs, is
13 that we have to stay the long road to
14 grow sales and grow customers. So one of
15 my concerns is, had this number been
16 there before I opened, I may have
17 considered not to.

18 The other thing, that I think
19 this bill is very broad, and I think it
20 does two things. One, it sort of
21 positions the employers as sort of evil,
22 not giving them what we're supposed to
23 give to people; and, two, it treats all
24 employees like they're perfect and
25 they're angels and they're always going

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2 to do exactly what's right. And I think
3 most of us agree that we know the people
4 that will find out they have their four
5 or five days and they will take them and
6 sometimes at the most inopportune times,
7 such as a holiday, a Valentine's Day, a
8 Saint Patrick's Day when you really need
9 your full force.

10 I've had three different
11 businesses in my life. I was a
12 chiropractor, I also own moving
13 companies, and I own restaurants. As a
14 chiropractor, I can actually see how this
15 bill would fit. I can actually see when
16 I used to have three or four employees
17 and my only cost of goods was the service
18 I was providing with my hands and the
19 labor cost in the building. I can
20 actually see how the general form of this
21 bill makes sense.

22 As a moving company operator,
23 it doesn't make sense at all in the fact
24 that we don't get paid if there's not a
25 body moving the product.

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2 As a restaurateur, it actually
3 makes the least amount of sense, because
4 when it maybe times a hundred employees
5 to execute this and you're in a
6 low-margin business. So when
7 restauranteurs say they make 4 percent, 8
8 percent, 10 percent, these are real
9 numbers. So when you add 1 percent to
10 payroll, it really does make a
11 substantial difference.

12 So I agree with the concept of
13 this and I agree that we need to do good
14 things for our people, but I don't
15 believe that the bill that's currently
16 written addresses the needs of the
17 restaurant and hospitality industry and
18 other industries that have high labor,
19 but in addition to labor, they have food
20 costs, they have liquor costs, they have
21 other costs. So I think that's a really
22 important point to understand.

23 And I also look at this that
24 Philadelphia is not a bubble, that
25 national healthcare is coming, and my

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2 estimates on national healthcare is it
3 could cost me as much as \$10,000 and
4 \$20,000 a month in some of my restaurants
5 the way -- the message we're getting
6 right now. So where does this fit in?

7 And I know San Francisco has
8 been brought up many times as the
9 comparison city, and I wish we had the
10 economic strength of San Francisco. And
11 it's more expensive to go to dinner in
12 San Francisco than it is to go to dinner
13 in Manhattan. So although I respect
14 Philadelphia for wanting to be
15 progressive, I also think that we have
16 inherent problems within this city that
17 we need to address before we start
18 providing this.

19 COUNCILMAN GREENLEE: Thank
20 you.

21 Just go on record, this bill,
22 we're not saying every employer is evil
23 and every employee is perfect. So
24 just --

25 MR. MAGROGAN: Not you. Thank

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2 you.

3 COUNCILMAN GREENLEE: Go ahead,
4 sir.

5 MR. HAINTHALER: Good
6 afternoon, Councilman Greenlee,
7 Councilman Kenney. My name is Joe
8 Hainthaler. I'm Government Affairs
9 Specialist for Auntie Anne's, which means
10 when none of our franchisees have time
11 because they're running their ten stores
12 in the City, ten of our 12 in the City,
13 you're stuck with me.

14 I won't do my whole testimony.
15 I'll just hit the key points.

16 I'd like to highlight two key
17 points. The legislation is unnecessary
18 from a public health and an employee
19 welfare perspective, and that's because
20 you're not allowed to come to work sick
21 at our restaurant, especially in a way
22 that will transmit food-born diseases.
23 And we have our employees sign a
24 statement and our managers, our crew
25 members and managers, sign a statement

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2 saying that they won't, and the managers
3 are responsible for making sure nobody is
4 on shift who is.

5 And its failure to require
6 proof of illness is particularly
7 bothersome I think to our franchise
8 partners in Philadelphia. They really do
9 worry about this. They have sort of a
10 nightmare scenario where it's the end of
11 the year or it's spring and a bunch of
12 crew members have earned enough paid time
13 off to take a day or several days and
14 they're not worried about being sick that
15 often and they all decide to take that
16 day off. And the way the bill was
17 before -- and I appreciate that being
18 fixed -- wouldn't have had to call in
19 either. But even with calling in, they
20 could shut you down for the day doing
21 that, especially if it's a nice spring
22 day and everybody else had planned to be
23 off so they were planning to do something
24 with that day.

25 I think that's -- it really is

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2 a worry of a small business person, that
3 they won't be able to keep staff, and
4 this turns into -- without requiring a
5 doctor's note, this turns into vacation
6 time and saying that when it's practical
7 even makes it a little bit easier to
8 skirt it, to not do it just when you're
9 sick. And as things are, crew members
10 and managers at Auntie Anne's can call
11 their manager or their general manager
12 and arrange to have somebody else fill in
13 for them. They can swap shifts to avoid
14 missing a paid day off.

15 So thank you.

16 COUNCILMAN GREENLEE: Thank
17 you.

18 Sir.

19 MR. ROCKELMANN: My name is
20 Paul Rockelmann. I'm the Vice President
21 of Human Resources for the Rose Group.
22 We're a company that's based in Newtown,
23 Pennsylvania, but we own and operate six
24 restaurants in Philadelphia and we
25 provide employment to 350 people.

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2 First of all, I want to thank
3 Chairman Tasco and all members of the
4 Public Health and Human Services
5 Committee for allowing me the opportunity
6 to talk here today. Much appreciated.

7 This proposed legislation, in
8 our mind, is going to be extremely
9 burdensome from a financial perspective,
10 from an administration perspective. It's
11 definitely going to be susceptible to
12 abuse.

13 Now, I heard a lot of testimony
14 earlier today and I'm very empathetic to
15 what I heard earlier, especially when I
16 heard that people were fired for being
17 out -- for calling out sick. To me
18 that's absurd. It's horrible. And I can
19 tell you in my 17 years working in this
20 organization in human resources, 15 years
21 running it, I can tell we've never fired
22 anybody for being sick.

23 That said, I understand there
24 is possibilities of abuse out there, but
25 that's not what this bill is about. I

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2 would be all for a bill that would
3 basically protect people for taking time
4 off. However, we are in the service
5 industry. We're in the hospitality
6 industry. And I don't think this bill,
7 this legislation, understands the impact
8 this is going to have on the restaurant
9 business, the hospitality business. We
10 can't just set work down for the next day
11 to be handled by somebody because a
12 critical person called out of the
13 operation because they had to tend to
14 someone they have close affinity to. The
15 reality is, the job has to get done.

16 Secondly, we believe the
17 current system works. It works just
18 fine. When somebody is sick, we do not
19 ever ask somebody to come in sick. And
20 they find coverage. They talk to a
21 variety of their co-workers. Hey, can
22 you cover for me today? I'll come in
23 later this week work for you. It works.
24 The system has been working this way just
25 fine for the longest time without any

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2 economic detriment to this person more
3 times than not.

4 Now, I would presume that
5 members of Council have been to
6 restaurants. Can you imagine walking
7 into a full-service restaurant and the
8 host called out at the last second. You
9 have no one to seat you. Maybe the
10 server called out as well because there's
11 a party going on. And now because we
12 only -- we're actually going to ask each
13 server to manage six tables versus three
14 or four. You're going to wait forever to
15 get served. The cook called out. You're
16 probably going to wait who knows how long
17 for your food. And it's not going to be
18 a pleasurable experience for you, and I
19 can tell you're not going to come back to
20 our establishment. They're not going to
21 care that this person was out on sick
22 leave. They're going to care that I had
23 a horrible experience at this restaurant.
24 We know that's exactly what's going to
25 happen.

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2 Our profit margins are razor
3 thin and we cannot simply have employees
4 on the clock in the event an employee
5 calls out.

6 And the system will be abused.
7 We hear about studies, but I can tell
8 you, I'm from the School of Hard Knocks.
9 I've been doing this for 17 years in a
10 restaurant company. Even without paid
11 sick leave, we have associates who will
12 in fact take time off to basically go to
13 a party, go to a Phillies game or meet
14 friends at a bar. I can assure you if
15 time is now paid, that abuse will occur
16 more often than it has in the past.

17 And we have quantified this as
18 an organization. I'm trying to figure
19 out how I'm going to come up with and
20 cover over 3,000 hours of missed
21 shifts -- I'm sorry; missed work hours in
22 each of our restaurants in a
23 service-oriented business.

24 So with this proposed
25 legislation, basically we have three

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2 choices. We either raise prices to the
3 consumer. And we've monetized this,
4 about \$250,000 to our company for six
5 restaurants. This doesn't include the
6 rising commodities, labor costs, food
7 costs, healthcare legislation. This is
8 just this alone. And in this economy,
9 it's not possible for us to do this. We
10 just can't. The consumer will simply eat
11 at home. And that only puts businesses
12 out of work, put businesses out, and the
13 jobs go along with it.

14 I keep hearing analogies of San
15 Francisco. I can't speak for everyone
16 else here, but I've eaten in San
17 Francisco and it's very expensive. Cost
18 prohibitive in fact.

19 Or we just don't make a profit.
20 And then we ask ourselves why do we
21 continue to do business here in the City
22 of Philadelphia? Why open a new
23 business? After all, we're
24 considering -- we were considering other
25 businesses, other restaurants, I should

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2 say, but now something has to play into a
3 pro forma.

4 The other alternative is labor
5 costs. What do we do there? Slash labor
6 costs, slash benefit costs to further
7 offset this impact to our valued
8 associates? None of these are palatable
9 to us. None of these we want to do.

10 But if we had \$250,000 in our
11 pocket to pay for this legislation, which
12 we don't, the administrative hurdles
13 alone scare the heck out of me and keep
14 me up at night. Our managers work 50, 55
15 hours a week trying to manage a business
16 like this as it is. I can't imagine if
17 they're going to be on the phone trying
18 to get coverage in the middle of a shift
19 during a Saturday night or Valentine's
20 Day, as somebody mentioned earlier, or
21 any other day where it's just comfortable
22 for someone to take off.

23 So in summary, I believe that
24 this legislation is a bad idea. And I
25 also -- I just want to very quickly -- I

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2 keep hearing analogies to menu labeling
3 and smoking. And I can tell you, I
4 believe this is an apples to orange
5 comparison. In those situations
6 businesses legitimately at the time had
7 concerns about guests walking in the
8 door. It turned out they still walked in
9 the door. Okay. That's great. We
10 survived that.

11 However, this we're talking
12 about execution. If I don't have
13 restaurant employees in my restaurant
14 ready to go at shift when that door
15 opens, I can't run the business. I can't
16 run the business without a host or a cook
17 or a server. Again, this is something
18 that's a whole different situation. It's
19 an execution situation, not a situation
20 of a guest coming in the door.

21 Thank you very much for
22 listening to everything I had to say
23 today.

24 COUNCILMAN GREENLEE: Thank
25 you.

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2 Any questions?

3 (No response.)

4 COUNCILMAN GREENLEE: Seeing
5 none, thank you all very much.

6 COUNCIL PRESIDENT CLARKE:

7 Councilman.

8 COUNCILMAN GREENLEE: Hold on a
9 second, sir, please.

10 Council President.

11 COUNCIL PRESIDENT CLARKE:

12 Thank you, Mr. Chairman.

13 Good afternoon, everyone. Real
14 quick. I would normally stay out of
15 these things as the Council President. I
16 tend not -- but there's just one thing
17 that you said and you continued to
18 discuss it. This notion of abuse of sick
19 time. And I think about it and I'm
20 saying it implies that because an
21 individual works in a, more often than
22 not, a lower-paying job or a job like a
23 restaurant that's on the lower end of the
24 scale, somehow the abuse on that type of
25 job will be more than the abuse of anyone

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2 who works in an office across the street
3 or some other higher-paying job. I just
4 don't get that whole notion, that because
5 it's a lower-paying job --

6 (Applause.)

7 COUNCIL PRESIDENT CLARKE: --
8 why would somebody abuse sick time any
9 more than you?

10 MR. ROCKELMANN: That is not my
11 position this is due to a lower-paying
12 position. This is the reality of my
13 business. I can't speak to the root
14 causes of the catalyst of the situation,
15 sir, but I can tell you it happens. And,
16 no, I'm not going to suggest that --

17 COUNCIL PRESIDENT CLARKE: Why?
18 What is the phenomenon about that type of
19 job that --

20 MR. ROCKELMANN: I'm not going
21 to suggest all our employees --

22 COUNCIL PRESIDENT CLARKE: I've
23 heard that, not just you. I keep hearing
24 about people are going to abuse their
25 sick time and why doesn't somebody at

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2 some other job, higher paying, bargaining
3 rate, whatever. I just don't understand.
4 Why is it that these people in this
5 particular category -- and the only
6 reason I say lower paying, because
7 lower-paying jobs are basically within
8 the category that people don't have sick
9 leave. So what is it about that?

10 MR. ROCKELMANN: I'm not
11 suggesting it's about pay. I believe if
12 anything -- and this is my opinion
13 based, again, on many, many years in this
14 industry -- is that it's more about the
15 transient workforce that we're dealing
16 with. In other words, these are people
17 who are going to college, they're going
18 to school, they're trying to work part
19 time just to make some money on the side.
20 They tend to say, Okay, I got to study
21 for a test.

22 Again, I'm using one example of
23 perhaps a million examples. I can't
24 speak to exactly what it is. I don't
25 think it has anything to do with pay or

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2 demographics. I think it just speaks to
3 the nature of the industry and the
4 transient workforce. The restaurant
5 industry has an 85 percent turnover.
6 It's not because they're bad restaurants
7 to work in. It's because a lot of times
8 people are coming in just to -- this is a
9 stepping stone to the next opportunity,
10 whether it's higher up in the restaurant
11 industry or perhaps to another industry
12 because they're working in nursing --
13 they want to go to nursing, but they're
14 going to work part time in a restaurant
15 just to make some money to pay for
16 college.

17 I can't speak to all the
18 reasons for it. I can just tell you
19 based on being in this industry as long
20 as I have, it happens. And, again, I
21 don't want to sit here and paint the
22 picture that every employee is going to
23 abuse sick leave. That's not the case.
24 We have great associates who are honest,
25 they have integrity. No question about

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2 it. But it does happen with non-paid
3 sick leave, and I believe the propensity
4 exists for it to happen with paid.

5 COUNCIL PRESIDENT CLARKE:

6 Okay.

7 MR. MAGROGAN: If I can address
8 one point from our standpoint. The paid
9 sick leave isn't really an issue. It's
10 the issue that we work in a business --
11 so my Doc Magrogan is on 34th and Samson.
12 We close between 11:00 and midnight, and
13 it's well known that a lot of our staff
14 likes to go down to New Deck Tavern and
15 have a few beers. So if the next day
16 they can call two hours late -- let's say
17 they have two hours of accrued sick time
18 and they can say, I'm just not feeling
19 well, I'll be in at 12:30 or 1 o'clock,
20 after our lunch rush, and we have no way
21 to enforce our company policies or
22 enforce to make sure that they weren't
23 just hung over, because when our servers
24 walk out with \$150 in cash that night --

25 COUNCIL PRESIDENT CLARKE: Sir,

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2 you're digging a deeper hole.

3 MR. MAGROGAN: But this is our
4 industry.

5 COUNCIL PRESIDENT CLARKE: So
6 why wouldn't somebody working, again, in
7 an office tower across the street who
8 calls in two hours, your first assumption
9 is that that person might be hung over?

10 MR. MAGROGAN: In our industry
11 when you leave work at midnight and you
12 have \$150 cash in your pocket, it's very
13 common to go out with your co-workers and
14 have a few beers, just as if an office
15 worker gets done at 5 o'clock and he goes
16 to happy hour until 7:00, you know, and
17 then he goes home. So as an example,
18 that's not something that we see in our
19 managers who work 50 or 60 hours a week.
20 We don't see that same behavior. As an
21 example, the cash in the pocket, they
22 leave the building -- so we're not trying
23 to say that they're bad people. It's
24 also where they are in their choice in
25 life at this stage. They may be in

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2 school. They may be out of school for a
3 year and not deciding what they want to
4 do and they want to go to a Phillies game
5 that day. And we deal with this without
6 paying them. So we deal with this now.
7 And basically they call their friend and
8 they say, Hey, can you cover my shift.
9 That's typically how it happens. The way
10 this law is written is, they don't have
11 to call their friend to cover their
12 shift, and we have to pay them to go to
13 the Phillies game. Right now we deal
14 with it as understanding that's part of
15 the demographic that works in our
16 business. Not poorly educated or rich or
17 poor. People that are in our industry
18 tend to like the flexibility of the jobs
19 they have, and this particular law is
20 written in such a way that now we can't
21 hold them accountable and say, Where's
22 your doctor's note.

23 COUNCIL PRESIDENT CLARKE: So
24 you're saying if that person didn't have
25 the earned sick leave, they wouldn't --

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2 MR. MAGROGAN: No. They may
3 still call out, but --

4 COUNCIL PRESIDENT CLARKE:
5 Wouldn't they still call out?

6 MR. MAGROGAN: Yeah, they still
7 call out. It happens in our industry all
8 the time.

9 COUNCIL PRESIDENT CLARKE: So
10 if the person is a person that's a
11 habitual caller, I'm calling out all the
12 time, they wouldn't be in a position to
13 earn sick leave.

14 MR. MAGROGAN: But here's the
15 thing: We have a policy and most
16 restaurants have a no call, no show
17 policy, that if you don't call out for
18 your shift, you're terminated, because we
19 can't -- how do we keep our restaurants
20 open. Most restaurants have a variation
21 of that policy. This law doesn't give us
22 the freedom to enforce, hey, you know --

23 COUNCILMAN GREENLEE: That's
24 not true, sir. That's not true. It says
25 in there, the language we put in, the

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2 employee has to notify before the start
3 of their work schedule or as soon as
4 practicable. And as soon as practicable
5 is not going to the Phillies game. As
6 soon as practicable is if they get in an
7 accident, if they get a call from their
8 child's school that they have to --

9 MR. MAGROGAN: And we agree
10 with all those legitimate reasons.

11 COUNCILMAN GREENLEE: But there
12 could be employers that basically say,
13 Well, you didn't call in, you're gone.
14 So that's why we put that in. And,
15 again, as I've said many times -- I
16 wasn't going to get into this debate, but
17 I'm glad the Council President brought it
18 up. The issue -- it's a complaint-driven
19 bill. If somebody doesn't call in for
20 the whole day and shows up the next day,
21 you certainly have the right not to pay
22 them. They could put in a complaint, and
23 I think they would be hard-pressed to
24 make an argument about why they should
25 get paid that day, you know, unless they

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2 were kidnapped for a day or something
3 obviously.

4 So I don't see where that would
5 stop reasonable disciplinary action or
6 reasonable management issues that you
7 would put forth. I don't see where that
8 means anything. All I can say -- and you
9 mentioned the -- I'm sorry to interrupt.

10 COUNCIL PRESIDENT CLARKE: No;
11 please.

12 COUNCILMAN GREENLEE: You
13 mentioned the Phillies thing. And,
14 again, San Francisco -- and the reason we
15 keep using this, it's been the longest
16 standing law. That was the same concern
17 that businesses gave. Of course, theirs
18 was the Giants play a lot of day games
19 and we're going to miss -- whenever the
20 Giants are home, there's going to be a
21 lot more people out. Didn't happen. And
22 as I said earlier, the Golden Gate
23 Association, which is the Restaurant
24 Association in San Francisco -- and I
25 grant you, it is expensive to eat in San

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2 Francisco. It was expensive before sick
3 leave -- they now say they have not
4 experienced any real problems with this
5 bill, and they say it actually has helped
6 them. And they were opposed to it. They
7 were saying the same thing that I hear
8 from businesses and restaurants today,
9 and it just didn't happen. And I do
10 think -- maybe you don't mean this, but I
11 think you are sort of generalizing when
12 you use words like, Well, if they're hung
13 over or if they're going to go to the
14 Phillies game.

15 MR. MAGROGAN: And I'm not
16 trying to generalize. I'm trying to --

17 COUNCILMAN GREENLEE: You kind
18 of did.

19 MR. MAGROGAN: But what I'm
20 trying to tell you is, he's had 17 years
21 experience. I've had 11 years of
22 experience owning restaurants, and what I
23 can tell you is one of the number one
24 reasons that our employees will call out,
25 there's something -- how do we find this

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2 out? By their Facebooks most of the
3 time. It's like, Oh, you called out sick
4 yesterday. How was that beer at 10:30 in
5 the morning?

6 COUNCILMAN GREENLEE: And if
7 you found it on their Facebook, you
8 wouldn't have to pay them and then they
9 would have to go and try to defend why
10 they had on the Facebook they went to the
11 Phillies game.

12 MR. MAGROGAN: I guess my only
13 point and what I was trying to present
14 today and I think what was being
15 presented here is, the bill has a lot of
16 merit and there's a lot of good points,
17 as many people have expressed. Our
18 particular industry has a large labor
19 pool, small margins, and we don't have
20 room for increased labor costs. So this
21 bill, I think input from our industry is
22 very important, because it's different
23 than a doctor's office and he has two
24 receptionists and he can leave a note at
25 the front that says, Please sign in, and

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2 the next day the receptionist comes in
3 and transcribes all the insurance
4 information and does everything. And,
5 yeah, it's a little hectic that day, but
6 maybe the work can get done the next day.
7 If there's no host, there's no cook and
8 there's no manager, there's a real cost
9 on us replacing those people, and if
10 we're not allowed to make sure that we're
11 documenting this, we do feel in our
12 particular industry it will tend to be
13 abused a little bit more.

14 COUNCILMAN GREENLEE: When you
15 say "document," explain again. You mean
16 a doctor's note for one day? Most of
17 these people don't have healthcare
18 because that's not --

19 MR. MAGROGAN: That's going to
20 change next January. We're going to pay
21 for that as well.

22 COUNCILMAN GREENLEE: Well,
23 maybe, but, you know, it costs money to
24 go to the doctor.

25 MR. MAGROGAN: The heart of the

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2 bill is correct. I agree with it, just
3 like I agreed with national healthcare in
4 context. The issue is, you have to
5 understand what each of these businesses
6 have to do. You yourself, Councilman
7 Greenlee, you stated that the City can't
8 afford to pay for this. I'll split this
9 bill with you guys 50/50. If I have to
10 come up with \$500 a week to cover this,
11 you guys pay 250, I'll pay 250. Let's do
12 it now. But the City can't afford it,
13 and guess what? We can't as businesses
14 afford it in many of our businesses.
15 Many of our businesses are break-even or
16 on the line. And you put national
17 healthcare, this bill on top of that,
18 there's going to be businesses that will
19 shutter. I'll tell you right now, if
20 this law takes effect, I will tell my
21 managers we have to diminish our labor by
22 500 to a thousand a week to compensate
23 for this.

24 COUNCILMAN GREENLEE: Without
25 even seeing that your concern is going to

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2 happen? You're just going to assume it's
3 going to happen?

4 MR. MAGROGAN: No. Once the
5 law takes effect, we have to -- it's our
6 obligation to put money aside to pay for
7 these hours. So if he's going to
8 accumulate five days of sick leave during
9 the year, I have to, as a good, ethical
10 business person, put that money aside for
11 when he does.

12 COUNCILMAN GREENLEE: You're
13 just assuming that everybody will use the
14 maximum amount?

15 MR. MAGROGAN: Well, there's
16 going to be a certain percentage that do.
17 Maybe it's 3.2 days. Maybe it's 3.2
18 days, is the average.

19 But I think what we're trying
20 to ask for is to understand that our
21 industry has a high profit margin and,
22 again, we talked about a lot of our
23 people are college students, who don't
24 necessarily need this service. And I
25 agree that the college student waitress

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2 who is on mom's healthcare, who is going
3 to college, is taking this job to earn
4 some cash to go out with her friends and
5 do things is different than the kitchen
6 employee making \$10 an hour who has two
7 kids at home and is trying to better
8 their life. There's a difference in
9 there. And this is a very broad stroke
10 painted bill that doesn't address the
11 difference between a hospitality industry
12 and maybe a professional services company
13 with three architects and a receptionist.

14 MR. ROCKELMANN: And to further
15 satisfy the Council President, if I may,
16 because it's a very good question. There
17 is a differentiation between the office
18 tower and the restaurant industry, the
19 hospitality industry, and I can't
20 emphasize it enough. In an office tower,
21 more times than not you can just walk
22 away from the job, let the pile on your
23 desk wait until tomorrow or perhaps until
24 next week, at least in most organizations
25 I've seen. In the hospitality industry,

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2 that's not a possibility. The job has to
3 be done by someone if we're going to
4 execute an effective operation. That's
5 why -- I just wanted to point out that
6 differentiation.

7 COUNCIL PRESIDENT CLARKE: I
8 don't necessarily agree with you, because
9 I think in an office tower traditionally
10 are client based. If that client's work
11 doesn't get done by that employee, you
12 better believe that that particular
13 employee is going to have a problem the
14 next day. It might call for their
15 termination.

16 MR. ROCKELMANN: It's not
17 service, sir. And I can tell you, I
18 worked in a white-collar environment my
19 entire life. And I don't expect someone,
20 a vendor, necessarily to get back to me
21 within that minute or that hour because
22 I'm waiting to be seated or have my food
23 before me.

24 COUNCIL PRESIDENT CLARKE:
25 Well, I have a white collar on today. I

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2 have employees, and you better believe if
3 I have an angry constituent calling me
4 about an employee that didn't take care
5 of work because they weren't there, I'm
6 going to have a conversation with that
7 person. So the level of sense of urgency
8 I don't necessarily think is as high in
9 one particular industry. And I
10 understand your issue with respect to
11 nobody being there, but the reality is,
12 if that constituent calls, they don't get
13 the proper service, guess what? They're
14 not calling Darrell Clarke's office
15 anymore. They're going to call this
16 guy's office. They're going to say, That
17 guy is a bum. He didn't take care of my
18 problem. He's going to move on.

19 So people have options, just
20 like in your particular case, they have
21 options in other jobs. That's all I'm
22 saying.

23 MR. PATEL: I want to add a
24 couple of points at you, if you don't
25 mind, sir. In the QSR industry, we have

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2 full-time and part-time employees just
3 like any other casual dining. Full-time
4 employees in our restaurants, QSR,
5 quick-service restaurant, fast food, we
6 give benefits paid time off. Part-time
7 employees, we give them incentives to get
8 to the next level, whether it's 15, 20
9 hours. We say, Here's your training plan
10 to succeed to the next level. Would you
11 want to reward somebody that's not really
12 incentivized to be the next general
13 manager or next assistant manager?

14 Second point to -- if this bill
15 goes through, we have to take that cost.
16 The part-time employees that we have on
17 our balance sheet, we know that's a
18 liability, that cost of that mandate. So
19 we have to book that on our balance sheet
20 and we have to make up that cost
21 somewhere, which is going to be either
22 menu pricing or cost of benefits for the
23 employees is going to change. As simple
24 as that.

25 COUNCILMAN GREENLEE: What is

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2 your percentage of full time versus part
3 time?

4 MR. PATEL: Roughly about 60
5 percent.

6 COUNCILMAN GREENLEE: Sixty
7 percent full time?

8 MR. PATEL: Part time. It's a
9 high turnover in our industry, over a
10 hundred percent.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 COUNCIL PRESIDENT CLARKE:
14 Sorry for interrupting, Mr. Chair.

15 COUNCILMAN GREENLEE: No.
16 That's fine. You raised good questions.

17 Our next panel, Kevin Shivers,
18 Rick Littlewood, Wayne Heilman, Julie
19 Avalos, and Joe Jowett.

20 (Witnesses approached witness
21 table.)

22 COUNCILMAN GREENLEE: Go ahead,
23 Mr. Shivers. Why don't you sit and get
24 started. Please identify yourself and
25 proceed.

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2 MR. SHIVERS: Sure. For the
3 record, my name is Kevin Shivers and I am
4 the Executive Director of the National
5 Federation of Independent Business. We
6 are a small business organization. Our
7 chapter here in Pennsylvania has 15,000
8 small and independent business members.
9 We have 350,000 members nationally and we
10 have several hundred here in Philadelphia
11 who are our members. We had a couple
12 members who were going to join us, but I
13 think because of the continued length of
14 the testimony, they had to get back to
15 their businesses and be a part of their
16 efforts.

17 What I learned today sitting
18 through this hearing was that there are
19 lots of anecdotes, anecdotes about
20 employees who aren't receiving benefits
21 or anecdotes about employers who are
22 mistreating their employees. Boy, I have
23 lots of anecdotes about incredible
24 employers. I have anecdotes -- I recall
25 a few years ago a story of one of my

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2 members where the employer was getting
3 ready to change their health insurance
4 plan because it would reduce the cost for
5 the business, and they learned that one
6 of their employees wound up with -- their
7 spouses wound up with cancer. So instead
8 of switching the health insurance, they
9 kept their existing policy. It was going
10 to be more expensive, but it was going to
11 provide a little bit more consistency in
12 treatment for the spouse of that
13 employee.

14 There are numerous stories like
15 that where employers in small businesses
16 have flexibility currently where they can
17 make changes, they can support their
18 employees and address their needs and
19 concerns, and they can do so on a
20 one-on-one basis with those employees.

21 I spend most of my time in
22 Harrisburg working in the state
23 Legislature, and I do travel the state
24 and talk with our members and
25 policymakers all across Pennsylvania, and

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2 my job, my focus is how can we make the
3 climate in Pennsylvania, how can we make
4 the climate in the City of Philadelphia
5 better. Unfortunately, when I look at
6 this new proposed ordinance, I see it as
7 a race to the bottom. Small employers
8 are looking for tools from their
9 policymakers that will enable them to be
10 able to grow and to thrive and create
11 jobs. What this legislation does is, it
12 just merely adds a bottom and doesn't
13 really add anything to -- any incentive
14 to an employer to improve their operation
15 or help them to compete for good workers.
16 Under this proposal, if there is a
17 mandate that you have three hours or
18 three days of paid sick leave or seven
19 days of paid sick leave, that now becomes
20 the floor, and certainly now somebody
21 who -- is the policy direction then,
22 because ultimately if you're mandating
23 it, is the policy direction then to the
24 employers is, you know what, if you offer
25 ten days, reduce that down to seven or

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2 reduce that down to five. Ultimately,
3 policymakers -- and I think an earlier
4 witness had talked about this -- by force
5 of regulation, by force of law, you
6 change and focus behavior. Ultimately,
7 when you impose mandates such as this,
8 you tell employers that this is more
9 important than any other benefit that you
10 offer your employees. And not only is it
11 more important than any other, this is
12 all we want you to provide. So what is
13 an employer to do? Are they going to
14 simply reduce the amount of time?
15 Because ultimately everybody now is going
16 to be providing about benefits at that
17 particular level.

18 Another concern you have -- and
19 it was referenced before -- what about
20 discrimination that's going to happen?
21 Will there be an amendment offered that
22 provides employers immunity? Because
23 ultimately the behavior that you're
24 forcing employers to do is to
25 discriminate against employees or

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2 potential employees who might be less
3 healthy, who might need to use leave --

4 COUNCILMAN GREENLEE: That's
5 illegal now, sir.

6 MR. SHIVERS: What's that?

7 COUNCILMAN GREENLEE: That's
8 illegal now.

9 MR. SHIVERS: Well, are you
10 going to provide immunities to employers
11 who provide --

12 COUNCILMAN GREENLEE: No.

13 MR. SHIVERS: -- or be forced
14 to do it, because ultimately that's the
15 policy that you're forcing. So I think
16 there is a real concern for, you know,
17 businesses in Philadelphia who are
18 looking to grow and to thrive; in
19 particular, manufacturers, who are
20 competing with competitors not only in
21 Pennsylvania but in other states and
22 across the globe with trying to keep
23 their costs down. And certainly this
24 issue, this legislation, this mandate
25 raises serious concerns.

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2 In talking about the cost of
3 paperwork, it costs small businesses as
4 much as \$50 an hour to complete
5 paperwork. That's a significant cost.
6 When you're looking in terms of leave,
7 when an employee doesn't show up for
8 work, in small businesses almost
9 two-thirds of the time the person that
10 fills that job is just another family
11 member in that business. How do
12 employers deal with these situations with
13 leave? And we've talked about them here.
14 They're going to be forced to raise
15 prices. They're going to have to pass it
16 along to the consumer. That may leave
17 open positions unfilled, and it's going
18 to require employees in the existing
19 positions to do more.

20 Our members -- and you're going
21 to hear from a couple of our business
22 owners -- are going to talk to you about
23 how they manage their workforce and the
24 incentives that they provide their
25 employees and really about how the

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2 mandate that you are proposing would add
3 significant costs to those small
4 businesses. And really this legislation
5 isn't going to improve the climate for
6 job creators; it's actually going to make
7 it more difficult.

8 So with that, thank you for the
9 opportunity to appear before you and look
10 forward to your questions.

11 COUNCILMAN GREENLEE: Whoever
12 would like to go next. Ma'am? Julie?

13 MR. JOWETT: Thank you,
14 Council. My name is Joseph Jowett. I
15 own Cactus Restaurant and Bayou Bar in
16 Manayunk.

17 I've always considered my place
18 to be about a mom-and-pop operation. The
19 Cactus is a restaurant that has 45 seats,
20 operates under 2,000 square feet,
21 including the kitchen. I have currently
22 four full-time employees, but this
23 legislation puts me into the category of
24 a large employer. I have approximately
25 15 part-time employees now. They all

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2 consist of college students, teenagers,
3 and a couple that are second jobs.

4 COUNCILMAN GREENLEE: Just to
5 be clear, with the amendment you would
6 still qualify under a small. Fifteen and
7 four is 19. So now --

8 MR. JOWETT: Approximately. It
9 goes anywhere from 19 to 24. Now I'm
10 back in the large. I'm classified small,
11 but there's still costs involved, just a
12 little less. Am I correct on that?

13 COUNCILMAN GREENLEE: You would
14 have to provide --

15 MR. JOWETT: A few less days,
16 right.

17 I kind of concur with most of
18 the other restauranteurs who are up here.
19 I don't want to go over the same things.
20 The thing that's unique in mine is maybe
21 the percentage. We are a small business,
22 a true small business. One of the things
23 I was able to do and I've taken the
24 sacrifice in doing is providing a
25 healthcare plan for my employees. All

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2 full time are qualified for it. I have
3 three currently on there. One gets with
4 a spouse.

5 The problem with this bill --
6 well, I was able to do the healthcare
7 because the part times are not included.
8 They're not mandated to be in the health
9 plan. So I had an incentive, and I give
10 an incentive to my employees to work more
11 hours to get on the health plan, and it
12 works out well. The problem with this
13 bill is that the sick pay includes the
14 part time. There's no -- if I had to
15 include part time for the healthcare, I
16 wouldn't have a plan. I'm not mandated
17 by law to do it. I do it.

18 The economy in this time period
19 for the past four years has been flat.
20 I'm looking at probably a two to two and
21 a half percent increase in payroll costs.
22 That is not something I can generate
23 proportionally in sales, being a small
24 place. It's just something that's going
25 to be real onerous on my business.

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2 If the part timers were not
3 included, it may be something that I can
4 work around, but in the current situation
5 it's going to hurt. The past few months
6 have been terrible, absolutely terrible.
7 I heard somebody say earlier they get
8 paid first. I don't know where they
9 work, but I don't get paid first. I
10 can't cut my rent when business is bad.
11 I can't cut my utilities. I didn't cut
12 my employees and I didn't cut their
13 healthcare. To the chagrin of my wife
14 and family, I cut my paycheck, and all I
15 see in this bill is the future of that.

16 I have a lease coming up at the
17 end of the year. I've got to decide on
18 future costs. Is this worth it for me
19 anymore? If I keep continuing to cut my
20 check, is it worth it anymore? It may
21 not be. I hope it never comes to that.
22 I just wanted you to know how it affects
23 somebody that maybe on the borderline of
24 a mop-and-pop and a small business and
25 how it can fluctuate back and forth.

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2 COUNCILMAN GREENLEE: Okay.

3 Thank you. I understand.

4 Ms. Avalos.

5 MS. AVALOS: Hello. Good
6 afternoon. My name is Julie Avalos. I'm
7 the Vice President of Health Promotion
8 and Wellness at Congreso de Latinos
9 Unidos, and it seems like I am the
10 minority on this panel, but I'm happy to
11 be sitting amongst everybody here.

12 Congreso de Latinos Unidos
13 applauds Council President Clarke,
14 Councilmembers Greenlee,
15 Quinones-Sanchez, Goode, Bass, Jones,
16 Tasco, Johnson for introducing this
17 important legislation and providing the
18 opportunity for workers to use paid sick
19 leave to care for family members or to
20 receive domestic violence victim
21 services. I sit here as a member of a
22 non-profit agency, but also as an
23 advocate for victims of domestic violence
24 in the City of Philadelphia.

25 More specifically, as a

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2 domestic violence service provider,
3 Congreso strongly supports this bill
4 because it will allow victims to take
5 important steps to protect themselves
6 from further exposure to violence without
7 risking loss of employment or loss of
8 wages.

9 If enacted, the bill will work
10 to increase the safety, health, and
11 well-being of employees; therefore,
12 leading to long-term benefits that will
13 positively impact the workplace.

14 Through crisis counseling,
15 advocacy, and hotline support via the
16 Philadelphia Domestic Violence Hotline,
17 Congreso's Latina Domestic Violence
18 program serves more than 2,000 victims a
19 year. As a result of our work, with
20 victims of abuse we know how important
21 adoption of this bill is. We hear from
22 victims, both women and men, who are
23 unable to obtain protection orders or
24 seek the assistance of domestic violence
25 services because their jobs do not give

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2 them paid time off for accessing such
3 supports. Unable to risk losing their
4 ability to financially support their
5 families, these individuals choose not to
6 seek legal protections or access
7 supportive domestic violence services.
8 Those who do choose to take care time off
9 from work may risk loss of employment,
10 loss of wages, and homelessness. This is
11 a choice that victims of domestic
12 violence should not have to battle with.

13 Usually viewed as a private
14 matter between two adults, domestic
15 violence in fact affects all areas of our
16 communities, including the workplace.
17 The homes and lives of employees can
18 affect their performance at work,
19 particularly with an issue like domestic
20 violence.

21 For the employer and the
22 co-workers, it can result in increased
23 medical costs, reduced productivity,
24 absenteeism, and heightened risks of
25 violence to others. There is evidence

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2 that leads us to believe that supporting
3 victims of violence by granting paid sick
4 leave to access prevention services will
5 result in a healthier and safer
6 workplace.

7 For example, 44 percent of
8 employees surveyed personally have
9 experienced domestic violence and 25
10 percent currently identified themselves
11 as being victimized. At least one
12 million women and 371,000 men are victims
13 of stalking in the United States each
14 year. Stalkers often follow the victim
15 to the workplace.

16 Healthcare costs of domestic
17 violence are nearly 4.1 billion. Loss of
18 productivity due to the violence equals
19 \$727.8 million. Homicide was the leading
20 cause of death of women on the job in
21 2000.

22 These statistics tell us that
23 victims need time away from work in order
24 to protect themselves from further
25 violence and increased positive health

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2 outcomes and become members of the
3 workplace. Except for the hotline, which
4 is 24 hours, and emergency services in
5 Philadelphia, the courts and most social
6 services operate during traditional work
7 hours. While someone is faced with an
8 immediate crisis may call 9-1-1 or go for
9 an emergency order, in order to finalize
10 a court order they need to appear in
11 court during the work week.

12 Women and men seeking such
13 orders have shared the challenges with us
14 that they face when they cannot afford to
15 take time off from work to return to
16 court again. As a result, orders are
17 dropped and victims' safety are at risk.

18 Congreso stands firmly in
19 support of this legislation on behalf of
20 the victims in Philadelphia. It is
21 crucial that this form of violence is
22 seen as a serious, recognizable, and
23 preventable problem like thousands of
24 other workplace health issues that affect
25 businesses. Accrued sick time with pay

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2 is an imperative step towards the safety
3 of families and health of our workplaces.

4 With the enactment of this
5 bill, Philadelphia will take the lead in
6 helping Pennsylvania victims of abuse
7 achieve economic and personal success.

8 Thank you.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 (Applause.)

12 MR. HEILMAN: Hello. My name
13 is Wayne Heilman and I'm a manufacturer
14 in the Germantown section of Philadelphia
15 and we employ approximately 55 to 60
16 employees, and we have -- not in the
17 restaurant business like so many I've
18 talked to, but we're in the textile
19 business and textiles, along with
20 manufacturing, in the last 15, 20 years
21 has really been devastated by automation,
22 by technology, and by the outsourcing of
23 the apparel industry and so many
24 industries that have go overseas. We've
25 been fighting a battle for quite a while

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2 to stay alive and to keep existing. And
3 in Philadelphia, the climate has been --
4 in the past several years, with the
5 medical plan that increased quite a bit
6 last year and we know by the end of this
7 year is going to increase a lot more, and
8 we've had the stormwater runoff fee that
9 was imposed by Philadelphia and we had an
10 Actual Value Initiative that changed the
11 value of our property, which most likely
12 will involve our taxes going up.

13 And I guess what I'm getting
14 to, the textile industry like the
15 restaurant industry is not a high-profit
16 margin industry, and it was always
17 existing in low margins, and it's been a
18 struggle to stay alive. And many of our
19 competitors have gone out of business and
20 there's not much textile left in this
21 country. Even though there are dye
22 houses -- one other guy that was supposed
23 to be here today was from a dye house.
24 There's still some that are existing and
25 doing specialty products, but it's

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2 extremely hard to stay in business and to
3 keep it going the way it is. But we also
4 know that Mayor Nutter has appointed a
5 task force to try to keep manufacturers
6 in the City, and one of our objects here
7 is to stay alive. Wayne Mills has been
8 there for over a hundred years now, just
9 101 years, and we've been there that
10 long. We'd like to stay there for as
11 long as we possibly can, but the
12 situation gets harder all the time with
13 the extra bills and the same thing with
14 the leave. Just like what many others
15 have said, we probably already offer more
16 vacation time and personal time than what
17 this bill mentions that you have to have,
18 and we could change the name of it, but
19 the employer that changes the name of the
20 vacation time to sick leave or make it
21 personal time off, we value our employees
22 and we don't want anything to be looked
23 at in that light as far as taking
24 something from them.

25 If we do have to increase sick

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2 time, we do have -- we don't want to take
3 away vacation days from them, because we
4 value our employees. We are -- like so
5 many others have said here today, we're
6 not the same industry as the restaurants
7 where they have so many transient
8 workers. We have a lot of valuable
9 employees that we've trained and have
10 been there many years, 25, 30, and even
11 we have one that's been there 50 years.

12 Our employees, we don't want to
13 lose them. We don't want re-train other
14 people. We want to keep them. So we do
15 want to provide adequate benefits for all
16 of our employees, and we'd like to be
17 able to do it with the profit margins the
18 way they are. Even though it's low, we'd
19 like to keep it going. And we think that
20 this bill would impose or make it more
21 strict on how we benefit our employees
22 and how we take care of them. And our
23 employee is -- it was also mentioned --
24 what Kevin mentioned earlier about one of
25 our employees was -- his spouse had

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2 gotten cancer and we changed plans around
3 for him. We also have always been very
4 lenient and flexible with our employees
5 in the way we have been, because we
6 value, just like the restaurant owner
7 from The Dining Car mentioned, that so
8 many people value their employees that
9 they have trained and been with them for
10 a long time. They do want to take care
11 of them. It's not a case of evil
12 employees or evil employers. In this
13 case it's the people you have working for
14 you. You want to keep them working for
15 you and have the flexibility also.

16 Thank you for the opportunity
17 to address this.

18 COUNCILMAN GREENLEE:

19 Mr. Heilman, just a quick question,
20 because I think that you mentioned that
21 you're probably providing more time than
22 the bill asks. So I guess I don't quite
23 understand what the problem would be. If
24 you provide more than seven days, then
25 you more than cover the bill. So what's

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2 the concern?

3 MR. HEILMAN: But if the bill
4 went through and we had to provide
5 certain amount of -- first of all, you
6 get ten sick days -- or ten vacation days
7 over three years after you work there for
8 a couple years. You don't get them the
9 first year. You get one week the first
10 year. But this would provide you would
11 have to provide them starting with the
12 hours worked with the plan.

13 COUNCILMAN GREENLEE: So your
14 problem would be the people just
15 starting, it would be --

16 MR. HEILMAN: That's part of
17 it.

18 COUNCILMAN GREENLEE: But the
19 people there a long time probably would
20 be covered under the bill anyway, right?

21 MR. HEILMAN: But with the 55
22 employees also, if you told them they
23 weren't going to get ten vacation days,
24 they're going to get seven sick days and
25 three vacation days, that doesn't cast

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2 any good light with the employees either.
3 So you can say you're giving them the
4 same amount of days but just change the
5 name of it. But they also said they put
6 a law in so we have to give sick time and
7 now you're going to change our vacation
8 time.

9 COUNCILMAN GREENLEE: You don't
10 have to change anything. No, you don't.
11 You do not have to change anything. If a
12 person takes a sick day, they would lose
13 a vacation day if they've already used up
14 their sick days. That's all. You don't
15 have to change anything. You don't have
16 to call it anything different.

17 Ms. Avalos, a question, because
18 the issue of misusing leave has been
19 brought up numerous times, and I know you
20 talked particularly about domestic
21 violence victims. Is it true that that's
22 probably not much of a concern here?
23 Because my dealings with domestic
24 violence issues has been just the
25 opposite, that you try to get domestic

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2 violence to actually admit that they got
3 a problem more than they misuse or
4 mischaracterize what their problem is.

5 MS. AVALOS: Absolutely. And I
6 think one thing is that survivors of
7 domestic violence are not going -- it
8 takes a lot for them to first of all even
9 disclose that they are being victimized,
10 and to disclose in the context of a
11 workplace is not something that they're
12 going to be gung ho to take advantage of.

13 One thing -- I think the other
14 thing is thinking again looking through
15 the lens of family violence, you look at
16 TANF time out options, is one that
17 there's options for domestic violence
18 survivors to get waivers from being put
19 into work requirements. The fact is that
20 about 1 percent of the TANF population is
21 taking advantage of that, taking
22 advantage of that, if you want to even
23 call it that, when we know that about 25
24 percent of women will be victimized at
25 some point. So when there have been

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2 other opportunities for privileges to be
3 expanded as a result of violence, there's
4 no history of that being taken advantage
5 of. And, again, I think that just the
6 hesitance that comes along with
7 disclosing such an employer is not going
8 to make it very likely that it will be,
9 quote/unquote, abused.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 Thank you all.

13 COUNCILWOMAN TASC0: The Chair
14 now calls -- I apologize for having to
15 leave the hearing -- David Simms, Joe
16 Zuritsky, Myles Gordon, David Waxler
17 Randy Hofer.

18 (Witnesses approached witness
19 table.)

20 COUNCILWOMAN TASC0: Are you
21 here for David Simms?

22 MR. SIMMS: No. I'm David
23 Simms.

24 COUNCILWOMAN TASC0: Oh, David,
25 I'm sorry. I didn't see you. I thought

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2 I saw you earlier.

3 MS. DAVIDSON: My mistake. I
4 thought you said Davidson and you
5 couldn't understand my first name. I
6 shouldn't be sitting here.

7 COUNCILWOMAN TASC0: Okay.
8 Thank you.

9 Because I saw you earlier and I
10 saw this lady get up.

11 MR. SIMMS: It's okay.

12 COUNCILWOMAN TASC0: Nice to
13 see you. How are you doing?

14 MR. SIMMS: Good.

15 COUNCILWOMAN TASC0: Good. All
16 of you.

17 Please go ahead. Identify
18 yourself for the record and please
19 proceed.

20 MR. SIMMS: My name is David
21 Simms, and for the record, the name of my
22 business Eatible Delights Catering, not
23 Edible Delites.

24 I'd like to address the
25 Councilman and say thank you for allowing

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2 me to be here. This is my first time
3 actually sitting here in the City Council
4 Chambers testifying, so I didn't prepare
5 a written statement. So most of the
6 things that I'm saying is just basically
7 as my experience as a business owner here
8 in the City of Philadelphia.

9 I do not support this bill, and
10 I would like to say why. Basically by
11 being here in business in the City of
12 Philadelphia, it has become increasingly
13 challenging from all of the different
14 taxes that we have absorbed as small
15 business owners. I'm in an economically
16 impoverished neighborhood. I'm in North
17 Philadelphia. I'm the only licensed
18 caterer in District 5. And I love what
19 it is that I do, and I choose not to run
20 from the neighborhood just because the
21 neighborhood is, quote/unquote, urban.

22 This bill will add to something
23 as my bottom line is -- I'm already
24 challenged in between making payroll each
25 and every week. In order to remain

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2 competitive against other caterers and
3 things like that in the City of
4 Philadelphia, I have to do some of the
5 things that they have to do, which is
6 sometimes wait for 30 days to be paid,
7 and I'm going even add even by the City
8 of Philadelphia at times.

9 It would be great to have as a
10 small business owner some sort of tax
11 credit or some sort of economic incentive
12 or just something to make the business
13 owner feel valued, feel appreciated.

14 Last week -- and this is just
15 one of the things that makes it become
16 increasingly challenging -- at my place
17 of business -- and the gentleman from the
18 Trolley Car Diner said that he paid \$50
19 for the dumpster fee, when actually it's
20 not \$50. The correction needs to be
21 stood that it's \$550 for business owners
22 to have a dumpster in the City of
23 Philadelphia.

24 The trash police came to my
25 place of business and I got the fine even

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2 though the dumpster was left by a
3 dumpster company previously before. I
4 pay my dumpster fee, but I got a fine.
5 The trash people never went into the
6 dumpster to see that it wasn't trash
7 there by a business owner.

8 Some of these things are not
9 relevant to what we're talking about
10 here, but they're relevant to me as a
11 business owner.

12 Thank you.

13 COUNCILWOMAN TASC0: Thank you
14 very much.

15 Mr. Zuritsky.

16 MR. ZURITSKY: I'm actually
17 Robert Zuritsky. That was supposed to be
18 put there. Sorry to disappoint
19 everybody.

20 COUNCILWOMAN TASC0: Right.
21 I'm sorry.

22 MR. ZURITSKY: Good afternoon.
23 My name is Robert Zuritsky. I'm here
24 representing the Philadelphia Parking
25 Association. My association represents

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2 250 parking facilities in the City and
3 3,000 great people who work there. I'm
4 here to testify that we are not opposed
5 to paid sick leave, as many of our
6 members currently offer that benefit to
7 their employees, but we are opposed to
8 the City mandating it.

9 The City of Philadelphia is in
10 a difficult position, having lost 50,000
11 jobs over the last ten years and
12 projected to lose another 70,000 more
13 unless dramatic steps are taken to lower
14 the business tax burden that currently
15 exists.

16 I know that many businesses are
17 not doing well. The City did not come
18 out better after the recession than it
19 went in. The parking industry is a good
20 indicator of how businesses are doing, at
21 least in Center City, and our businesses
22 are off roughly 10 percent since the
23 presidential election.

24 Mandating sick leave on top of
25 the existing crushing business taxes and

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2 then adding on the uncertainty of what
3 the U&O tax rate will be weighs heavily
4 on business decision-makers and will
5 cause additional job losses.

6 Again, to be clear, many of my
7 members already offer paid sick leave.

8 As a matter of fact, our company, Parkway
9 Corporation, offers it to all of its
10 full-time employees and part-time
11 employees. We just don't think it's good
12 policy for government to force it on all
13 businesses, especially when the City is
14 in a very vulnerable time right now.

15 The most important message I
16 hope to convey is that the perception
17 that this city has for the last four
18 years is that they do not want businesses
19 to come to Philadelphia. The last four
20 years we have had to bear four tax
21 increases, new fees for water and sewer
22 bills, and a never-ending mixture of new
23 bills that make it more expensive and
24 more complicated for good, law-abiding
25 businesses to have to overcome. The City

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2 should be working day and night to change
3 the perception so companies again
4 consider making Philadelphia their home.

5 Thank you.

6 COUNCILWOMAN TASC0: Thank you
7 very much for your testimony.

8 Mr. Myles Gordon.

9 MR. GORDON: Yes.

10 COUNCILWOMAN TASC0: Thank you.

11 MR. GORDON: Thank you,
12 Chairwoman Tasco, Councilwoman Reynolds
13 Brown, Councilman Greenlee,
14 Councilwoman --

15 COUNCILWOMAN TASC0: That's all
16 right. We look alike.

17 MR. GORDON: And Councilman
18 Kenney.

19 I'm going to talk about some
20 thing I haven't heard about yet today,
21 which is the causes of getting sick, and
22 not just when we address after we are
23 sick. Councilman Greenlee initially
24 today mentioned he really cares about the
25 health of Philadelphia, and I believe he

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2 does. He also encouraged Mr. Greenberger
3 to think about what goes on as a human
4 being and a citizen, and I'll relate some
5 incidences that have occurred in the last
6 two weeks.

7 When I entered the building
8 today, I was asked to touch a pen that
9 probably two or three hundred other
10 people have touched to sign in as a
11 guest. Practicing good hygiene and
12 having worked in the healthcare field as
13 an advocate, that's not good, sound
14 practice.

15 Some other experiences I've had
16 are Friday I was in the Bustleton branch
17 of the Free Library. There is no soap in
18 the men's restroom there. None at all.

19 The Welsh Road branch, which I
20 frequent most often, is a little better.
21 They have a cake of soap that looks like
22 it's five years old, and often there's
23 not paper there. Well, that's an issue.
24 If we really care about people's
25 healthcare, why don't we make it safer

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2 and better for people not to get sick

3 from those that may be walking around

4 with viruses that are not aware of it.

5 And I'm not really aware of anything in

6 this legislation that addresses that

7 issue. Because wouldn't it be better if

8 nobody were sick or we could cut the

9 sickness and illness rate by 30 or 40

10 percent, which I know we could if the

11 City would communicate and have a better

12 program in place to prevent people from

13 getting sick, whether the employees or

14 the employers.

15 Also, many of the other library

16 City buildings, possibly even this

17 building, have a situation where you have

18 the hot air blower to dry your hands, but

19 you can't get out of the restroom because

20 there's no paper there, and if the door

21 pulls in, you're going to reinfect

22 yourself or infect yourself with a germ

23 or a virus.

24 On a more horrific matter, I

25 was in a private store, Food Basics, two

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2 weeks ago today. I was purchasing a
3 lettuce and two tomatoes. Unfortunately,
4 the cashier had her finger in her ear,
5 and I'm thinking to myself, What am I
6 going to do to get out of this situation?
7 Well, I could wash the tomato off with
8 soap when I got home. This time of year
9 tomatoes taste so horrible anyway, what's
10 the difference? What I did is, I moved
11 to another line. I didn't report her to
12 her supervisor because I feared she may
13 get fired or have some kind of
14 disciplinary action. She's probably not
15 aware of what she's doing. I don't know
16 if she gets training.

17 But if the City really wants to
18 be helpful, they should look at these
19 particular matters and not hound
20 businesses with legislation. Because
21 what this legislation will do, it will
22 probably repress wages, because if
23 companies do have to cut back, they're
24 not going to raise the salaries,
25 companies are going to keep moving to

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2 Abington, Jenkintown, and Upper Darby,
3 and this is a serious problem.

4 But what really is going to
5 happen here if this passes is this:
6 People are going to be up on a Monday
7 night. They're going to watch the
8 Eagles. They'll be up maybe until 12:00
9 or 1:00 in the morning. And if they have
10 to be at work at 8 o'clock, at 7
11 o'clock -- and I've done this myself, I
12 admit it -- you're going to hear this,
13 Hi, it's Myles. I don't feel good. I
14 think I have the flu. And that's not
15 going to be good for anybody because it's
16 going to encourage unfortunately more
17 people to do that. And, again, I've done
18 it myself, on rare occasion but I have
19 done it myself. And I know that the
20 sponsor of this bill and co-sponsors
21 really don't want that to happen, because
22 we have a tough enough time because of
23 the national economy and local tax issues
24 and other things that are happening in
25 Philadelphia.

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2 Thank you very much.

3 COUNCILWOMAN TASC0: Thank you
4 very much.

5 Mr. David Waxler.

6 MR. WAXLER: Good afternoon,
7 Honorable Councilpeople. My name is
8 David Waxler, Vice President of Finance
9 at Medical Products Laboratories,
10 Incorporated. We are a third-generation
11 family business that's operated in the
12 Far Northeast for more than 50 years. We
13 employ roughly 185 people at our Red Lion
14 Road manufacturing plant.

15 I'm speaking today on behalf of
16 the Unified Business Owners Association,
17 a coalition of more than 100
18 non-residential property owners here in
19 the City of Philadelphia. The Unified
20 Business Owners Association opposes Bill
21 No. 130004 because of the serious
22 financial burdens it would place on local
23 businesses, especially small and
24 medium-sized ones.

25 Two years ago when a similar

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2 paid sick leave measure was introduced,
3 Medical Products Laboratories calculated
4 an additional cost in benefits of
5 expenses each year, to say nothing of the
6 lost productivity that would result from
7 increased employee absences. When taken
8 in context to the City's hyped use and
9 occupancy tax, imposing wage tax, and
10 exorbitant business privilege tax,
11 mandated paid sick leave and the added
12 cost it would bring would represent yet
13 another hurdle to opening, maintaining or
14 expanding a business in the City.

15 Without policies that encourage
16 new businesses to open and existing
17 businesses to continue growing,
18 Philadelphia will continue struggling to
19 generate revenue and reduce its high
20 unemployment rate.

21 In other words, by contributing
22 to the rising cost of operating a
23 business in the City, mandatory paid sick
24 leave would ultimately impact smaller
25 business owners, their families, and the

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2 working men and women they employ in
3 neighborhoods throughout Philadelphia.

4 I urge City Council to resist
5 this intrusion into the compensation and
6 benefits decisions of individual
7 businesses. At this important moment in
8 the City's history, I'm hopeful that our
9 elected officials would turn their
10 attention to developing policies that
11 will create jobs and foster prosperity
12 among the small businesses that are the
13 heart and soul of the local economy.
14 Mandatory paid sick leave will do
15 neither.

16 I thank you for allowing my
17 testimony this afternoon. Thank you.

18 COUNCILWOMAN TASCO: Thank you
19 so much.

20 Mr. Hofer.

21 Could we let him have a seat
22 for a minute, please.

23 MR. HOFER: Good afternoon.

24 Thank you, Councilwoman Tasco, Councilman
25 Greenlee, and members of City Council for

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2 allowing us to hold the hearing and
3 considering both sides of this important
4 issue today.

5 My name is Randy Hofer. I work
6 for Impact Services Corporation, and my
7 role today is representing the Aramingo
8 Avenue Business Association. I'm the
9 Business Improvement District Director
10 over there, and also Kensington and
11 Allegheny Business Association. I did
12 bring testimony for three cases. I'm
13 just going to do the one, and I submitted
14 the others for your record.

15 We formed Aramingo in 2005, the
16 Business Association. We've worked hard
17 to develop and share the vision for the
18 area's bustling commercial district and
19 blueprint for continued growth in the
20 future. Today we represent more than 100
21 small, medium, and large businesses that
22 employ thousands of local restaurants.
23 To us, mandatory paid sick leave is a
24 laudable cause that will nevertheless
25 have many unintended negative

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2 consequences.

3 I think it is important to
4 remember that the business community is
5 made up of much more than large
6 retailers, corporate giants, and name
7 brands. It also includes neighborhood
8 grocers, family restaurants, and local
9 service providers. The smaller
10 operations are especially important in
11 the City of neighborhoods like
12 Philadelphia because they both serve
13 local communities and often employ people
14 from these same places.

15 For these businesses, going to
16 work every day is less about profits and
17 earnings and more about providing for
18 their families. My Association is
19 worried that mandatory sick leave will
20 force these owners into making benefits
21 commitments that they are just not
22 capable of delivering in the current
23 economic development. The consideration
24 for the high cost of simply running a
25 business is the concern.

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2 We have seen firsthand how even
3 minor tweaks in local policies can have
4 major impacts on local businesses. In
5 many cases the difference between opening
6 or growing a business and closing your
7 doors or laying off employees is razor
8 thin. We worry that another increase in
9 costs, no matter how slight some consider
10 it, could mean drastically different
11 futures for some of our member operators,
12 and with that, entire communities could
13 face the prospect of losing irreplaceable
14 local anchors in the future.

15 The Aramingo Avenue Business
16 Association respects Councilman Greenlee
17 and his colleagues for their commitment
18 to ensuring that employees are treated
19 fairly and workplaces remain healthy.
20 However, we believe this legislation
21 would discourage future growth in places
22 like the Aramingo Avenue business
23 corridor and represent a burden for small
24 business owners serving our restaurants.

25 We respectfully urge City

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2 Council to vote against Bill No. 130004.

3 Thank you.

4 COUNCILWOMAN TASC0: Thank you
5 very much.

6 Questions, Councilman? Do you
7 have any questions?

8 (No response.)

9 COUNCILWOMAN TASC0: Thank you
10 all very much. Thank you for taking time
11 to come down and thank you for waiting.
12 But at least we're not here until 10:00.

13 Next we have Ms. Marianne
14 Bellesorte, Fabricio Rodriguez, and
15 Ms. Peppi Davidson.

16 (Witnesses approached witness
17 table.)

18 COUNCILWOMAN TASC0: Good
19 afternoon. Please go ahead with your
20 testimony.

21 MS. DAVIDSON: Hello. My name
22 is Peppi Davidson. I'm not here to
23 represent a company. I'm to represent
24 the workers.

25 I heard a constant message.

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2 I've been here since 11:30. And the
3 constant message that I heard was that
4 workers are like little drones, they do
5 whatever they're told to do, and once
6 this bill comes into place, then they're
7 going to turn into happy little trolls
8 that are going to just take time off
9 willy-nilly.

10 I want to say one thing. If a
11 person has a job that doesn't have any
12 benefits and doesn't have any sick days,
13 if they pretty much feel like they're not
14 cared for anyway, that's probably why the
15 people that -- the business men were
16 talking -- business people were talking
17 about will take the time off to go to a
18 ball game or whatever. What do they have
19 to lose? They don't have anything? All
20 you're giving them is a paycheck.

21 You have a lot of part-time
22 workers. You have a lot of part-time
23 workers because you don't want to pay for
24 the benefits. Okay. I understand that
25 you want to make a profit, but you're not

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2 going to make a profit if you have
3 workers that have no pride in their job.

4 If you give a worker sick days
5 to a person who has never had sick days,
6 they will feel wonderful. They would
7 take pride in their job and they will
8 have more incentive to keep the job as
9 opposed to maybe getting fired because
10 they went to a baseball game.

11 You are taking away your
12 workers' pride. If you are hiring so
13 many people that you're afraid that your
14 whole work staff is going to go out on a
15 seven-day binge or whatever, then I would
16 say your problem is not with your worker.
17 The problem is your choice on who you
18 decide to hire. If you hire college
19 students, you already know that they're
20 going to be part time. You do it mainly
21 around the holiday times. People who get
22 paid low wages, especially in the
23 restaurant business, they're not going to
24 take the time off. That's their money.
25 That's their money. Valentine's Day, the

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2 Easter Sunday, Christmas, whatever.

3 That's their money. They're not going to
4 be taking time off.

5 If you -- I'm not a business
6 person, but I was led to understand if
7 you start a business, you have money set
8 aside for circumstances that might come
9 up. A person getting sick, calling out
10 one or two days is a circumstance, and,
11 you know, it's not a catastrophe. It's
12 something you get over. If you have to
13 call a temp agency, yes, you're paying a
14 higher amount, but you're only paying for
15 one or two days. The other worker is
16 going to come back. And, again, you're
17 not giving anybody benefits, except for
18 the worker that you're trying to keep.

19 So I think sitting here
20 listening to that, I felt like every
21 worker was disrespected, because it felt
22 like you made that a general statement,
23 that all workers, five or six of them,
24 are going to do the same thing at the
25 same time. That's called the blue flu.

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2 No, that doesn't usually happen in
3 business.

4 So my point is, to wrap it up,
5 because I was told to be brief, you know,
6 if you're worried about the soap in the
7 men's room or no paper towel, you go to
8 the superintendent and you tell them
9 there's no toilet paper in the bathroom
10 or whatever. They might not have known.
11 So to equate soap in the bathroom and
12 door handle and the reason why this bill
13 shouldn't be passed is like an insult to
14 everyone's intelligence.

15 I thank the Councilpeople,
16 Councilpersons for letting me speak,
17 because somebody has to speak. People
18 want jobs, and this is -- all I hear is
19 in this economy, in this economy. In
20 this economy a person who is working,
21 believe me, doesn't want to go to
22 baseball games. They want to keep their
23 job so they can pay their bills, and I
24 think that has totally been overlooked.

25 Perception. Your perception is

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2 that anybody who you employ is lower than
3 you. And that's exactly what you said.

4 I don't care if you say, no, that's not
5 what I meant. That's exactly what you
6 said. Just like I'm being careful on how
7 I feel about certain people who spoke,
8 you have to be careful of other people's
9 feelings. People get sick, just like the
10 man said. If there's no soap in the
11 bathroom, tell the superintendent or
12 whatever to put soap in the bathroom, a
13 person is going to get sick. That one
14 person's point was, things happen just
15 because you touched the door handle or
16 just because all the sudden you find out
17 you have a genetic disease or something.
18 Things happen, and to just, you know,
19 totally disregard workers and say, Oh,
20 they don't deserve that, you don't
21 deserve to have that worker.

22 I thank you.

23 COUNCILWOMAN TASC0: Thank you
24 very much.

25 (Applause.)

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2 COUNCILWOMAN TASC0: Thank you.

3 Next. I'm sorry.

4 MS. BELLESORTE: Hi, everyone.

5 I am Marianne Bellesorte. I am the
6 Senior Director of Public Policy and
7 Media Relations at PathWays PA. PathWays
8 PA works throughout the Greater
9 Philadelphia region. We are also the
10 Greater Philadelphia Chamber of
11 Commerce's 2013 Non-Profit of the Year.

12 We're here today to say that
13 it's always the right time to do the
14 right thing, and that's why, one of the
15 many reasons why, we're in support of
16 earned sick days.

17 I have fairly long testimony.
18 I'm not going to bore you with it. I do
19 just want to point out some facts and
20 correct some misrepresentations that I've
21 heard throughout the day today.

22 One of the things that we've
23 talked about very often is the City of
24 San Francisco.

25 COUNCILWOMAN TASC0: Speak into

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2 the mic, please.

3 MS. BELLESORTE: I'm sorry. I
4 keep hearing this echoing.

5 So in the city of San
6 Francisco, we have a report that shows
7 that if guaranteeing paid sick days had
8 any negative impact on employment or
9 business growth, we would have seen that
10 in San Francisco long before we would see
11 that in Philadelphia. That's because in
12 San Francisco, there are already more
13 restaurant workers, more service workers,
14 more people in businesses who normally do
15 not have earned sick days.

16 What we did find in San
17 Francisco, though, is that nine out of
18 every ten employers found that they
19 didn't need to hire replacement workers
20 after instituting the earned sick days
21 bill that they have there. They have
22 many more sick days than what we're
23 talking about here. It's a much stronger
24 bill than what we're talking about here,
25 and yet there was still not a need to

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2 hire replacement workers.

3 We also heard some talk about
4 unemployment. I want to say that there's
5 a study from the Center for Economic and
6 Policy Research that shows that paid sick
7 day policies have absolutely no
8 correlation with unemployment, and that's
9 based on a study of 22 different
10 countries, along with areas that already
11 offer paid sick days in the United
12 States.

13 We heard a little bit about
14 quick-service employees. There's a chart
15 in my testimony that you guys can look
16 at, but pretty much quick-service
17 employees lost maybe 300 jobs in San
18 Francisco compared to the thousands of
19 jobs that were gained by the restaurant
20 industry during that same timeframe.

21 Similarly, in Connecticut, we
22 heard about a study in Connecticut of
23 employers who had negative things to say
24 about the bill. The authors of that
25 study have come out and said that in fact

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2 they were the ones who chose what
3 businesses to survey. They chose
4 businesses that were likely to have
5 problems with earned sick days.

6 Businesses were chosen by the Connecticut
7 Business and Industry Association as well
8 as the Connecticut Restaurant
9 Association, and the authors themselves
10 say that it was anecdotal research and
11 it's not applicable to Connecticut as a
12 whole.

13 We've heard about job loss.
14 One in four workers say that they have
15 lost their job or have been threatened to
16 have their job lost if they took a sick
17 day, which is certainly something that is
18 important in this economic period. We
19 also know that in San Francisco and
20 Seattle, people are getting it right.
21 Most of the complaints that have come in
22 to both places have been resolved just
23 with letters to employers or working with
24 employers if they have any technical
25 difficulties. There has not been a

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2 single case in San Francisco that has
3 gone to an appeal hearing, and about 200,
4 I think, of the cases that have gone to
5 San Francisco -- and there have only been
6 300 total -- just ended with a letter to
7 the employer or working with the employer
8 on their public policy -- I'm sorry; on
9 their policy. Seattle has a similar
10 effect.

11 We know that the administrative
12 cost is very low for a bill like this and
13 that people will use on average two sick
14 days per year out of the seven days that
15 they have earned.

16 One other thing I want to point
17 out is that 62 percent of restaurant
18 workers are over age 25 here in
19 Philadelphia. So most of them are not
20 people who are working just to get a
21 little bit of extra money. They are
22 working to support themselves and to
23 support their family members. And I know
24 Fabricio will talk about that a little
25 bit more.

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2 In closing, what's costing
3 thousands of jobs here in Philadelphia is
4 the fact that people are being fired for
5 being a good parent to a sick child or
6 for following doctor's order and staying
7 home when they have the flu. That's
8 something that we need to change if we
9 want to help our economic future.

10 Thank you.

11 COUNCILWOMAN TASCO: Thank you
12 very much.

13 Mr. Rodriguez.

14 MR. RODRIGUEZ: Thank you,
15 Councilwoman Tasco. Thank you,
16 Councilman Greenlee, for your time,
17 Councilman Johnson, Councilwoman Maria
18 Quinones-Sanchez, Councilwoman Reynolds
19 Brown.

20 Last year, the Philadelphia
21 Restaurant Opportunity Center published a
22 report called "Behind the Kitchen Door."
23 In this report we looked very closely at
24 the restaurant industry over the course
25 of a year. We conducted more than -- or

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2 I'm sorry; nearly 600 field surveys and
3 interviews with restaurant workers and
4 owners. What we found is, the restaurant
5 industry is growing.

6 Philadelphia is known in our
7 economy for the eds and meds for
8 manufacturing and for pharmaceuticals. I
9 have some bad news for you. All of those
10 sectors are in decline or have stagnated.
11 Restaurants, the fifth largest sector, is
12 the only one that's growing. It's
13 doubled its revenue in the past two
14 decades. It will soon overtake
15 manufacturing in the number four spot.

16 This is the future of the
17 Philadelphia economy, and that's great.
18 It's a great time to be an eater in our
19 city. Unfortunately, I don't know if
20 there's been a worse time to be a
21 restaurant worker.

22 More than two-thirds of the
23 jobs in restaurants in our city are
24 poverty wage jobs. Ninety-two percent of
25 them lack access to paid sick leave.

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2 Two-thirds of them have reported going to
3 work while sick. I know there was some
4 commentary earlier that the Restaurant
5 Association had never heard of anyone
6 going to work sick. Our research proved
7 that two-thirds of the people in the City
8 have prepared food or handled food while
9 sick. You can virtually guarantee that
10 someone who is sick has handled your
11 food.

12 This sector is booming, and
13 that's great. We don't want to do
14 anything to slow that down. But
15 unfortunately for the 114,000 people in
16 that industry, there's a lot of things we
17 could improve. I'll give you an example.

18 Even though restaurants are
19 growing and the sector has nearly doubled
20 in the past 20 years, wages have actually
21 declined by 11 percent in the last
22 decade. Seven of the lowest ten paid
23 jobs in our nation are in restaurants.
24 If you're a restaurant worker in our
25 city, you're twice as likely to qualify

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2 for food stamps than any other wage
3 earner. That means the people that put
4 food on our table can't afford to put
5 food on their own. To add injury to that
6 insult, they can't take the day off when
7 they're sick.

8 We heard a couple contradictory
9 things from some restaurant owners today.
10 I know they're small business people and
11 they're trying to struggle and be
12 successful, and I have nothing against
13 that. But on one hand we hear that
14 people -- they can't run a restaurant
15 with someone calling out. If the host
16 calls out or the prep cook calls out, you
17 can't run the kitchen. On the other
18 hand, it's not a big deal because you can
19 swap shifts. I want to put out that this
20 legislation does not prevent anyone from
21 swapping shifts. You can still do that.

22 We also heard that if they can
23 swap a shift, Well, we don't want to pay
24 time and a half. Let me translate all
25 that for you. What they're saying is, we

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2 don't want to have to pay someone time
3 and a half to come in and make the
4 kitchen run. And if they can't find
5 someone to cover, then we want to force
6 them to work anyway. And that's what's
7 happening, and two-thirds of workers have
8 faced that.

9 Two years ago I met Andrea.
10 She came into the Restaurant Opportunity
11 Center. She was a fine dining pastry
12 chef, and she came to us because she
13 remembered a time when she was working in
14 a very well-regarded restaurant in Center
15 City. Mayor Nutter came in with his
16 family on his birthday. She had the
17 honor of making a birthday cake for the
18 Mayor of our city. But she also felt
19 very worried about putting this cake out
20 the door, because she knew there were
21 people -- that two of her co-workers that
22 were working in the kitchen that were
23 coughing and sneezing and obviously too
24 sick to be at work, but they had to be
25 there because they didn't have a choice.

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2 She came to ROC because she never forgot
3 that when that had happened to her. She
4 was embarrassed about it.

5 One night when we were
6 canvassing in Old City, Andrea and I,
7 telling restaurant workers about paid
8 sick leave, guess who happens to roll up
9 to Positano Coast. Our good Mayor. We
10 were glad to see him. We tried to catch
11 up to him and talk with him about paid
12 sick leave, but he had just gone up the
13 stairs. Andrea still remembering that
14 time took a little scrap of paper out of
15 her pocket and she wrote a note of
16 apology to our Mayor saying, I really
17 hope I didn't get you or anyone in your
18 family sick, but I didn't have a choice,
19 and people who work in restaurants don't
20 have a choice.

21 Or I point to the example of
22 Jasmin, a member of ours, who worked at a
23 very well-known family style chain. She
24 called her manager and she, Look, I got
25 the flu, I'm just too sick to come in.

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2 He told her, If you don't show up, you
3 won't have a job tomorrow. So she took
4 some over-the-counter medication and
5 tried to tough it out. She was doing
6 fine for a couple of hours, but after a
7 few hours, the over-the-counter
8 medication began to wear off and her
9 symptoms came back. At one point,
10 carrying a full tray of hot food, she
11 felt that her nose was beginning to run.
12 She rushed as well as she could to the
13 table and she set the food down as
14 quickly as she could and struggled to
15 cover her nose with her sleeve, but the
16 table saw it, and they very upset, as you
17 would be. They called the GM over. She
18 lost the table. She didn't get a tip.
19 The family was very displeased. They
20 stormed out of there without finishing
21 their meal. The same guy that forced her
22 to work had the nerve to take her back to
23 the office and scream at her, and she was
24 crying, and it wasn't even her fault.

25 Or I point to the example of

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2 Calvin, who was a fine-dining chef here
3 in Philadelphia. He came to ROC. He's
4 now a staff person. He took two days off
5 because he was having some severe
6 digestional problems. He thought it
7 might be contagious. But because he took
8 two days off to get well, he was
9 terminated.

10 Like I said earlier, our
11 research shows that two-thirds of the
12 people in the industry have served or
13 handled food while sick.

14 The Center for Disease Control
15 points out that half of the neurovirus in
16 our country was spread by food workers.
17 These workers that are on the very edge,
18 they need this benefit -- well, a lot of
19 people in our city need the benefit, but
20 they definitely need the benefit.

21 This policy is good for
22 workers. It's also good for business.
23 Earlier we heard from the Institute for
24 Women's Policy Research. One fact that
25 you may have missed was that their study

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2 shows that this benefit will bring
3 \$450,000 of increased profitability to
4 Philadelphia restaurants by lowering
5 turnover and cross employee contagion.
6 But you don't have to take my word for
7 it. Pete Ellis, the owner of El Fuego,
8 has given this benefit to his workers for
9 more than two years. He said no one
10 abuses this benefit. It's increased
11 profitability. He hasn't lost employees
12 due to termination for five years. He
13 runs a stable business. He's well
14 respected in the community.

15 There's two ways to make a
16 profit in this industry. It's the low
17 road or it's the high road. My question
18 to City Council and I urge you to vote
19 yes on the Healthy Family and Workplaces
20 bill, let's choose the high road. Let's
21 make the future of Philadelphia and our
22 economy healthy and a sustainable one.

23 Thank you.

24 COUNCILWOMAN TASC0: Thank you
25 very much. We appreciate it.

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2 Any questions? Councilman

3 Greenlee, do you have any questions?

4 COUNCILMAN GREENLEE: No. I'm
5 fine.

6 COUNCILWOMAN TASC0: We
7 appreciate your time.

8 And, Ms. Davidson, thank you
9 for coming. We appreciate you
10 representing the workers.

11 Is there anyone else here to
12 testify on this bill?

13 (No response.)

14 COUNCILWOMAN TASC0: Let me
15 recognize the fact that we have received
16 written testimony from Congressman Robert
17 Brady, as stated earlier; Gale Brewer,
18 City Councilwoman, New York City, as
19 stated earlier; Catherine Pulos, Senior
20 Vice President of Wawa; Wan Woo,
21 President of the Korean Grocers
22 Association of Philadelphia; Amy
23 Christie, Executive Director of
24 Pennsylvania Licensed Beverage
25 Association. All of that testimony will

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2 be a part of the record.

3 If you choose to receive a copy
4 of the record, you could go online, City
5 Council's line, and see the notes of
6 testimony from this hearing and then
7 those written testimonies will be a part
8 of it.

9 If there are no further
10 witnesses, we will adjourn our hearing on
11 Bill 130004.

12 Before we close, Councilwoman
13 Maria Quinones.

14 COUNCILWOMAN SANCHEZ: I just
15 wanted to state something for the record.
16 First I want to thank Councilman Greenlee
17 for doing the heavy lifting for this
18 bill. I know we got some additional
19 feedback today, and I know that he is
20 committed to putting forth, as he stated
21 in the beginning of these proceedings,
22 the fairest.

23 But I just want for the record
24 to state because there's a perception
25 that Philadelphia is not open for

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2 business and not friendly to businesses,
3 which has not been the case. This
4 Council has passed ex-offender tax
5 breaks, veterans tax breaks, new jobs tax
6 creation breaks. We've waived new
7 business license fees, and this year we
8 begin the hundred thousand dollar
9 phase-in deduction on gross receipts and
10 net profits tax. We begin the phase-in
11 on single sales factor, which will help
12 manufacturers who sell globally to the
13 market. And as many folks heard, the
14 Mayor is committed to initiating our wage
15 reductions.

16 So this notion that we have
17 not, at a time when the economy has been
18 bad, not taken businesses into
19 consideration is not correct. The fact
20 of the matter is, we have and continue to
21 try to do the best we can with the tools
22 that we have. And without some
23 additional tools at the state level, we
24 find ourselves trying to take care of the
25 job creators, many of the small

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2 businesses in the corridors and, at the
3 same time, lift this community -- in the
4 case of Philadelphia, our poverty rate
5 continues to grow -- lift folks out of
6 poverty.

7 We have to do this together.

8 This is about the long game, not the
9 short game. And folks need to put stake
10 in the game by saying we are in this for
11 the long run.

12 Unfortunately when we
13 legislate, we're legislating for the bad
14 guys and sometimes the good guys get
15 caught up in that. If you're providing
16 sick leave, thank you very much. If
17 you're not providing sick leave, don't
18 hide behind the folks that are doing what
19 they're supposed to do, which is taking
20 care of their employees.

21 This is not easy. This is
22 painstaking, but when you recognize that
23 there's 140,000 people in the City of
24 Philadelphia that have no choice -- those
25 of us who have a choice -- that have no

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2 choice, those are the single mothers that
3 I run into in my district every day,
4 potentially the daycare workers and
5 others, this is about getting to some
6 fairness, getting to some fairness for
7 that long game.

8 I'm in it for the long game.
9 I'm committed to continue to push
10 business levers as we possibly can, and
11 I'm committed to lifting folks out of
12 poverty. It's about a win-win for
13 Philadelphia.

14 I believe in Philadelphia. I
15 wish sometimes all of us would begin to
16 believe more in Philadelphia and our
17 ability to get out of this together.

18 Thank you.

19 (Applause.)

20 COUNCILWOMAN TASC0: Thank you
21 very much.

22 I asked Councilman Greenlee if
23 he had any comments. He said he said
24 enough. He's done a good job here
25 promoting and defending and proposing

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2 this bill.

3 We will now adjourn the public
4 hearing and go into the public meeting.

5 The Chair recognizes Councilman
6 Greenlee to offer some amendments to this
7 bill.

8 COUNCILMAN GREENLEE: Thank
9 you, Madam Chair, and thank you everybody
10 for hanging in there today.

11 Madam Chair, I move the
12 adoption of the amendments to Bill No.
13 130004 be adopted.

14 (Duly seconded.)

15 COUNCILWOMAN TASC0: It has
16 been moved and seconded that the
17 amendments as proposed to 130004 will be
18 adopted.

19 All in favor?

20 (Aye.)

21 COUNCILWOMAN TASC0: Is there
22 any opposition?

23 (No response.)

24 COUNCILWOMAN TASC0: There
25 being none, the motion is carried.

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2 The Chair recognizes Councilman
3 Greenlee to report Bill 130004, as
4 amended, out of Committee.

5 COUNCILMAN GREENLEE: Thank
6 you.

7 COUNCILWOMAN TASC0: Report the
8 bill out of Committee, as amended.

9 COUNCILMAN GREENLEE: Thank
10 you, Madam Chair. I move that Bill No.
11 130004, as amended, be reported out of
12 this Committee with a favorable
13 recommendation, that the rules of Council
14 be suspended to allow for first reading
15 at our next session of Council.

16 COUNCILWOMAN TASC0: Thank you.
17 It has been moved and seconded -- did I
18 get a second?

19 (Duly seconded.)

20 COUNCILWOMAN TASC0: It has
21 been moved and seconded that Bill 130004,
22 as amended, be reported out of this
23 Committee with a favorable recommendation
24 and that the rules of Council be
25 suspended so this bill can be heard at

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2 Council's next session.

3 All in favor will say aye.

4 (Aye.)

5 COUNCILWOMAN TASC0: Is there
6 any opposition?

7 (No response.)

8 COUNCILWOMAN TASC0: There
9 being none, the motion is carried.

10 Thank you all very much and
11 thank you for your patience. Thank you
12 for participating, and we enjoyed the
13 debate. It was very good. We appreciate
14 your behavior. We did not have any -- it
15 was really great. Thank you.

16 (Committee on Public Health and
17 Human Services concluded at 3:45 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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