

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, April 25, 2025
10:21 a.m.

PRESENT:

COUNCILWOMAN KATHERINE GILMORE RICHARDSON, CHAIR
COUNCILWOMAN KENDRA BROOKS, VICE-CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN RUE LANDAU
COUNCILMAN ANTHONY PHILLIPS
COUNCILMAN MARK SQUILLA

ALSO PRESENT:

COUNCILMAN NICOLAS O'ROURKE
COUNCILMAN JIM HARRITY

BILL: 250065

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2 COUNCILWOMAN GILMORE

3 RICHARDSON: Good morning. I now
4 note that the hour has come to
5 begin today's hearing.

6 Clerk, will you please
7 call the roll to take attendance.
8 Members that are in attendance will
9 please indicate that you are
10 present when your name is called.

11 THE CLERK:

12 Councilmember Brooks.

13 COUNCILWOMAN BROOKS:

14 Present.

15 THE CLERK:

16 Councilmember Landau.

17 COUNCILWOMAN LANDAU:

18 Present.

19 THE CLERK:

20 Councilmember Phillips.

21 COUNCILMAN PHILLIPS:

22 Present.

23 COUNCILWOMAN GILMORE

24 RICHARDSON: And I am present. A

1 quorum of the committee is present
2 and this hearing is now called to
3 order. This is the public hearing
4 of the Committee on Law and
5 Government regarding Bill No.
6 250065.

7 Clerk, will you please
8 read the title of the bill and the
9 resolution.

10 THE CLERK: Bill No.
11 250065, an ordinance amending Title
12 9 of The Philadelphia Code,
13 entitled "Regulation of Businesses,
14 Trades and Professions," by
15 revising Chapter 9-4100, entitled
16 "Promoting Healthy Families and
17 Workplaces," Chapter 9-4300,
18 entitled "Wage Theft Complaints,"
19 and Chapter 9-4500 of The
20 Philadelphia Code, entitled
21 "Protections for Domestic Workers,"
22 and by adding new chapters,
23 entitled "Protecting Victims of
24 Retaliation" and "Enforcement of

1 Worker Protection Ordinances," to
2 add and revise definitions; remove
3 provisions related to the wage
4 theft coordinator; add requirements
5 and remedies related to written
6 contracts, meal times and breaks,
7 leave time, contract termination,
8 and other protections for domestic
9 workers; establish for claims of
10 retaliation under above-referenced
11 chapters and Chapter 9-4700 of The
12 Philadelphia Code ("Wrongful
13 Discharge from Parking Employment")
14 the elements of proof and
15 procedures, remedies and penalties
16 for enforcement; authorize creation
17 of a worker justice fund for
18 victims of retaliation; add
19 requirements for employer record
20 keeping and provision of notice of
21 employee rights under above-
22 referenced chapters and Chapter
23 9-4700; revise and clarify
24 procedures, remedies and penalties

1 associated with administrative and
2 civil enforcement under above-
3 referenced chapters and Chapter
4 9-4700; provide for annual
5 reporting to Council on enforcement
6 of the City s worker protection
7 laws, including information
8 regarding noncompliant employers;
9 authorize revocation of City
10 licenses and contracts awarded to
11 employers found in violation of the
12 City s worker protection laws;
13 authorize visa and deferred action
14 certification on behalf of
15 immigrant workers; and make related
16 technical changes; all under
17 certain terms and conditions.

18 COUNCILWOMAN GILMORE

19 RICHARDSON: Thank you. Thank you
20 very much.

21 Before we begin and
22 proceed with the first panel, I'd
23 like to recognize the Vice-Chair of
24 Law and Government, Councilmember

1 Brooks, for opening remarks.

2 COUNCILWOMAN BROOKS:

3 Thank you so much. Today I want to
4 thank you all for joining me here
5 today to consider the POWER Act.

6 The name of this legislation,
7 POWER, stands for Protect Our
8 Workers Enforce Rights, and that is
9 exactly what this bill is designed
10 to do.

11 Here in Philadelphia we
12 have made steady progress over the
13 past 10 years in setting a standard
14 for safe, dignified workplaces in
15 our city. Labor unions, pro-worker
16 organizations, pro-worker
17 Councilmembers have worked together
18 to pass laws like the Wage Theft
19 ordinance, the Domestic Workers
20 Bill of Right, Fair Workweek and
21 Paid Sick Leave.

22 As a former domestic
23 worker I know from experience that
24 workers, especially women of color,

1 who work inside people's homes are
2 exposed to all kinds of abuse,
3 exploitation and disrespect. If we
4 want to do right by these workers,
5 we must give our Department of
6 Labor the tools they need to
7 enforce the labor laws we have
8 passed.

9 All of these laws have
10 established basic legal protections
11 for working people in Philadelphia:
12 Protections against wage theft,
13 which is still the largest form of
14 theft in this country, protections
15 against harassment and abuse, which
16 is especially important for workers
17 who do their jobs inside of
18 people's homes, and protections of
19 paid time off so workers aren't
20 forced to go to work sick. But as
21 I have said before, these laws are
22 meaningless unless we have the
23 tools to enforce them.

24 We have learned from

1 workers on the ground that
2 employers are violating these laws.
3 And even worse, when workers try to
4 speak up for their about their
5 rights or bring attention to the
6 violation, employers often
7 retaliate against them with
8 termination or threats of
9 deportation. This behavior is
10 illegal, unacceptable and is a
11 direct attack on the most cherished
12 principle of labor unions and the
13 labor movement, the right to speak
14 out for fair treatment on the job.

15 The POWER Act is
16 supported by a broad coalition of
17 local and national proworker
18 organizations, including the
19 Philadelphia AFL-CIO, the
20 Philadelphia Black Worker Project,
21 the National Domestic Workers
22 Alliance and the national
23 leadership of SEIU.

24 Since January of this

1 year, workers across our country
2 has faced a growing list of threats
3 to their livelihood and well-being.
4 The Trump administration is
5 aggressively gutting the Department
6 of Labor, rolling back workers'
7 rights and attacking our immigrant
8 neighbors.

9 We have the chance today
10 to take a stance against Trump's
11 anti-worker agenda and to stand
12 with working-class Philadelphians
13 who are looking to us for
14 leadership. Thank you so much.

15 (Applause.)

16 COUNCILWOMAN GILMORE

17 RICHARDSON: Thank you very much.

18 Before we proceed with
19 the hearing, the Chair would like
20 to recognize the presence of two
21 additional Councilmembers who are
22 not members of the Law and
23 Government Committee but who are
24 here to partake in today's

1 proceedings. And we want to thank
2 Councilmember O'Rourke and
3 Councilmember Harrity for their
4 presence this morning.

5 Prior to recognizing
6 either one of you, does anyone on
7 the committee have remarks?

8 (No response.)

9 COUNCILWOMAN GILMORE

10 RICHARDSON: Okay. Would any of
11 you like to be recognized? The
12 Chair recognizes Councilmember
13 Harrity.

14 COUNCILMAN HARRITY:

15 Thank you, Madam Chair. Good
16 morning, everyone. You know, they
17 say I'm the regular guy on Council.
18 And sometimes that's kind of true
19 because I don't get certain things.
20 To me the way I was brought up, the
21 way I was raised I just think
22 automatically that people should
23 have these rights. But the fact of
24 the matter is that not everybody

1 does.

2 250 years in 2026,
3 that's how old this nation will be.
4 And in that 250 years we have had
5 domestic workers that whole time.
6 We just called them something else,
7 slaves, indentured servants. 250
8 years you think we would have moved
9 on from things like that, but the
10 fact of the matter is that our
11 domestic workers are treated like
12 second-class citizens. And for me,
13 a guy coming from the neighborhood,
14 that's not right.

15 You know, Martin Luther
16 King said, Injustice to one is
17 injustice to all. And I believe
18 that. And I believe that this
19 injustice has been going on for far
20 too long and it's time for us to
21 change it. We have that power.
22 You have that power, my colleagues.
23 That's why I'm asking you to please
24 think about this. Think about it

1 hard. Think about if one of your
2 family members was a domestic
3 worker, wouldn't you want them to
4 have the same rights you have.

5 They're not asking for
6 anything else. They're not asking
7 for more. They're asking for the
8 same, that's it, the same. So
9 please I ask you, I encourage you
10 let's pass this today out of
11 committee. Send it to the whole
12 body and get this over and done
13 with so we can give these people
14 some dignity. Thank you.

15 (Applause.)

16 COUNCILWOMAN GILMORE

17 RICHARDSON: Thank you. Thank you
18 very much. Councilmember Harrity,
19 we certainly appreciate you being
20 here and for always, always being
21 there for the labor community.

22 And obviously, I too
23 have to share that my mother was
24 born in 1945 in Ridgeland, South

1 Carolina and migrated to
2 Philadelphia with her parents in
3 the early 1950s. They bought a
4 small house on Seybert Street that
5 we still have today for \$3,000.
6 And my mother told me stories when
7 she was still here about how she
8 was a domestic worker and how my
9 grandmother was a domestic worker
10 for people who lived, as they
11 called it then, on the other side
12 of Girard Avenue. And they cleaned
13 houses to make money for the
14 family.

15 And I will never forget
16 the sacrifice that my mother and my
17 grandmother and so many of the
18 women in our church made so that we
19 could be here today. So I just
20 have to put that on the record that
21 both my mother and my grandmother
22 from South Carolina now family here
23 in Philadelphia were both domestic
24 workers. So thank you, Jimmy, for

1 being here.

2 (Applause.)

3 COUNCILWOMAN GILMORE

4 RICHARDSON: Would you like to be
5 recognized Councilmember O'Rourke?

6 Chair recognizes
7 Councilmember O'Rourke and then
8 Councilmember Landau and we need to
9 get started. Okay.

10 COUNCILMAN O'ROURKE:

11 Thank you, Madam Chair.

12 Just echoing the
13 sentiments that you shared, I am
14 honored to be here today as the
15 grandson of a domestic worker, one
16 who took me with her when she went
17 to go clean some of the biggest
18 houses I've ever seen in my life.
19 If I got a sense of preference or
20 taste, it's because I got to see
21 rich homes that she dusted and
22 their kids that she also raised.

23 So I'm reminded of his
24 words, they have taken untold

1 millions that they never toiled to
2 earn. But without our brain and
3 muscle, not a single wheel can
4 turn. We can break their hearty
5 power, gain our freedom when we
6 learn, that the union makes us
7 strong. Solidarity
8 forever/solidarity forever.
9 Solidarity forever/for the union
10 makes us strong.

11 Thank you, Madam Chair.

12 (Applause.)

13 COUNCILWOMAN GILMORE

14 RICHARDSON: Okay. Chair
15 recognizes Councilmember Landau.

16 COUNCILWOMAN LANDAU:

17 It's official. I can't follow
18 that. I just -- we started late.
19 I want to get us started now.
20 Welcome everybody. Thank you all
21 so much for being here. We're
22 excited to hear your stories, your
23 voices and your testimony.

24 COUNCILWOMAN GILMORE

1 RICHARDSON: Thank you. Thank you
2 very much, Councilmember Landau.

3 We will now move to
4 proceed with Panel 1. Clerk, will
5 you please call the first panel we
6 have to testify on Bill No. 250065.

7 THE CLERK: Adriana
8 George, Munira Edens, Veronica and
9 Jen Stowe.

10 COUNCILWOMAN GILMORE

11 RICHARDSON: Okay. Please approach
12 the witness table.

13 (Witnesses approached
14 witness table.)

15 COUNCILWOMAN GILMORE

16 RICHARDSON: Please state your name
17 for the record and proceed with
18 your testimony. And we ask that if
19 you have written testimony that has
20 already been submitted -- if you
21 have written testimony that has
22 already been submitted, we ask that
23 you summarize your testimony as
24 much as possible. Thank you -- one

1 moment please. Okay. We're going
2 to pause for a quick moment. May
3 you approach the table please.

4 All right. Thank you
5 very much. We will now proceed
6 with the first member of the panel
7 to testify. Adriana.

8 MS. GEORGE: Good
9 morning. My name is Adriana
10 George. I am an organizer for the
11 National Domestic Workers Alliance
12 and We Dream a Black Philadelphia
13 Chapter. We are an organization
14 that organizes nannies, caregivers
15 and house cleaners for better
16 working conditions.

17 We are Black, Brown and
18 immigrant women of color who work
19 in the privacy of other people's
20 homes. And because of this
21 isolation, it means the labor
22 abuses often go unnoticed. I was a
23 nanny for 14 years so I know
24 firsthand what it means to care for

1 others while lacking basic job
2 protections.

3 And I also know what
4 happens when workers stand up for
5 themselves. This is why we fought
6 for and won the Domestic Workers
7 Bill of Rights in 2020. This law,
8 which is the best of its kind in
9 the country, gives domestic workers
10 working in Philadelphia protection
11 that they had never been afforded
12 before.

13 But the story did not
14 end there. As we work to have this
15 law be respected, employers fail to
16 recognize their responsibilities
17 under the law, leading to denied
18 contract, lack of paid rest breaks
19 and wrongful termination.

20 When domestic workers
21 asserted their rights, their risk
22 retaliation, like getting fired
23 without advance notice, blacklisted
24 from jobs and risk threats of

1 immigration deportation. This is a
2 clear violation of our bill of
3 rights, but employers are not being
4 held accountable because there are
5 no consequences. This tells us
6 that law means nothing without
7 enforcement.

8 Philadelphia has made
9 historic progress, including
10 passing the Domestic Workers Bill
11 of Rights, but the law is only as
12 strong as its enforcement. Bad
13 employers continue to exploit
14 workers knowing there are no
15 consequences for violating labor
16 laws.

17 Since 2022 we have been
18 working to fix these problems. We
19 have come up with a commonsense
20 solution to the POWER Act. The
21 POWER Act will provide enforcement
22 of the Philadelphia labor laws,
23 including the Bill of Rights,
24 ensuring real accountability for

1 violations. It will strengthen
2 retaliation protection so employers
3 have real consequences when they
4 take negative action against
5 workers who stand up for their
6 rights.

7 If the City does
8 nothing, domestic workers remain
9 without the tools necessary to
10 actually make rights real in their
11 workplace. Councilmembers, this is
12 your opportunity to take a stand.
13 We know that you support workers,
14 but today you have a chance to
15 prove it. Passing the POWER Act
16 means saying loud and clear in
17 Philadelphia, worker protections
18 are real and violations will not be
19 tolerated. Let's get this done. I
20 thank you.

21 (Applause.)

22 COUNCILWOMAN GILMORE

23 RICHARDSON: Please proceed. State
24 your name for the record and

1 proceed with your testimony. And
2 if you've already submitted written
3 testimony, please summarize your
4 testimony. Okay.

5 MS. EDENS: Good
6 morning, Committee members and City
7 Council. My name is Munira Edens
8 and I'm a worker justice organizer
9 with the Philly Black Worker
10 Project. We are a worker center
11 that fights for dignity, justice
12 and respect of the low-wage Black
13 workers here in the city.

14 Today I am here to thank
15 our Councilmembers who co-sponsored
16 this POWER Act that will protect
17 workers, enforce already existing
18 labor laws and improve the
19 workplace where our members want to
20 thrive. Not only will this
21 legislation support improving the
22 workplace, but it will bring
23 cohesiveness to the already
24 recently passed labor laws.

1 A lot of our members
2 already have many barriers against
3 them that bad bosses like to hold
4 against them, preventing them from
5 prospering at their jobs. Passing
6 the POWER Act is crucial. Many of
7 our members are formerly
8 incarcerated. And when they come
9 home, they often enter into
10 low-wage jobs that exploit them
11 because of their past. This is
12 another form of racial injustice
13 because we know that Black people
14 experience incarceration more than
15 any other group in this city.

16 Our people must be
17 protected at work when they return,
18 and the POWER Act will increase
19 those protections. Recent laws
20 that are already supposed to be
21 readily accessible in most
22 workplaces aren't. Without more
23 accountability, bad bosses will
24 continue to curtail the law and

1 workers will pay the price.

2 We know that this
3 legislation will not only benefit
4 the working people, but it will
5 strive to make workplaces fair and
6 safe. We know that good bosses
7 support their workers and our POWER
8 Act. So let's enforce the law for
9 the bad bosses. Thank you for
10 being here today and we urge you to
11 vote yes to passing the POWER Act.

12 (Applause.)

13 COUNCILWOMAN GILMORE

14 RICHARDSON: Thank you.

15 MS. (INAUDIBLE):

16 (Spanish translation).

17 INTERPRETER: Good
18 morning. My name is (inaudible)
19 and I'm a mother, community leader
20 and a member of the Restaurant
21 Workers Committee. I am here
22 because we need a law that protects
23 and supports workers. We need the
24 POWER Act.

1 Many years I worked in
2 restaurants. I also suffered
3 sexual harassment and gender-based
4 violence in the workplace. I can't
5 even put into words how terrible it
6 is to be harassed at work. I began
7 to have health problems due to the
8 stress caused by going to work
9 there. In the end I had no help or
10 options and I had to leave my job.
11 Why should I have to leave when I
12 am the one being harassed.

13 There are a few places
14 where one can go for help and ones
15 that exist are overcrowded. We
16 need a strong and legitimate Office
17 of Worker Protections so that
18 workers like me have real options
19 when we suffer. With fast-paced
20 culture and the customer-is-always-
21 right attitude, restaurant workers
22 are already so vulnerable to
23 exploitation. Bosses think we're
24 replaceable so they steal our wages

1 and deny us sick time. With the
2 POWER Act, the City can actually
3 enforce laws when our bosses
4 retaliate or harass us.

5 Today I'm here to ask
6 for better laws to protect all
7 workers and to have a capacity to
8 provide help to more survivors of
9 sexual harassment and gender-based
10 violence. We need the City to
11 support us. We are in your hands.
12 No more harassment, no more
13 retaliation, no more gender-based
14 violence.

15 (Applause.)

16 MS. STOWE: Good
17 morning. My name is Jen Stowe and
18 I'm the Executive Director of the
19 National Domestic Workers Alliance
20 representing the country's 2.2
21 million caregivers, nannies and
22 house cleaners who are historically
23 cut out of all labor protections
24 because of the history of

1 enslavement in this country.

2 In 2020, domestic
3 workers in Philadelphia won one of
4 the most comprehensive bills of
5 rights in the country, which
6 inspired workers in city
7 governments across the nation. But
8 without enforcement, those rights
9 have remained out of reach. The
10 POWER Act stands to rectify that
11 wrong and provide a template for
12 other localities.

13 Across the country
14 enforcement gaps are a major
15 barrier to worker protections.
16 From wage theft to
17 misclassification, workers face the
18 same struggles. In a moment where
19 federal government is rolling back
20 worker protections and dismantling
21 the Federal Department of Labor,
22 the POWER Act sets a national
23 precedent for how local governments
24 can protect vulnerable workers,

1 particularly Black, immigrant and
2 low wage workers.

3 From my work with
4 national organizations, I know that
5 all eyes are on Philadelphia as you
6 vote to protect workers when the
7 federal government is doing the
8 opposite. Philly will set the bar
9 for how cities can protect workers
10 with dignity, respect and justice
11 at the center. Thank you.

12 (Applause.)

13 COUNCILWOMAN GILMORE

14 RICHARDSON: Thank you very, very
15 much for your testimony.

16 Are there any questions
17 for this panel?

18 Chair recognizes Vice-
19 Chair Brooks.

20 COUNCILWOMAN BROOKS:

21 Thank you so much. My question is,
22 why have the domestic workers
23 supported this POWER Act so much
24 when it doesn't fully just apply to

1 them?

2 MS. STOWE: Could you
3 repeat the question, Councilwoman?

4 COUNCILWOMAN BROOKS: So
5 the question is this: The POWER
6 Act, why are you guys so invested
7 in it when it doesn't just apply to
8 you, it applies to a broader range
9 of people? So what makes this the
10 perfect thing for you guys to be a
11 part of in such an active way?

12 MS. STOWE: We know what
13 it means. Domestic workers know
14 what it means to be victimized, to
15 be exploited. We are interested in
16 raising the floor for all workers.
17 We also know that our workforce has
18 a history of being unprotected,
19 exploited and we want all work to
20 be valued. We believe in the
21 protection and respect and dignity
22 of all work, so that's why we're
23 interested in the POWER Act for all
24 workers.

1 (Applause.)

2 COUNCILWOMAN GILMORE

3 RICHARDSON: Thank you. Thank you
4 all so very much for your testimony
5 and for being here today.

6 We will now proceed with
7 Panel 2. May the Clerk please call
8 the witnesses for Panel 2.

9 THE CLERK: Cara Leheny.
10 (Witness approached
11 witness table.)

12 COUNCILWOMAN GILMORE

13 RICHARDSON: Okay. Thank you so
14 much for being here. Please state
15 your name for the record and
16 proceed with your testimony.

17 MS. LEHENY: Good
18 morning. Thank you for permitting
19 us to testify. My name is Cara
20 Leheny. I am the First Deputy
21 Director of the Department of
22 Labor. The Office of Worker
23 Protection, one of our offices,
24 enforces the ordinance that this

1 bill seeks to amend. We appreciate
2 the intent of this bill and we also
3 want to express our gratitude to
4 Councilmember Brooks and her office
5 for meeting with us and for hearing
6 our feedback on the bill and for
7 incorporating some of that and we
8 look forward to working with the
9 Councilmember to achieve the goals
10 of this legislation. If you have
11 any questions, I'm happy to address
12 them.

13 COUNCILWOMAN GILMORE
14 RICHARDSON: Okay. Thank you very,
15 very much for your testimony and
16 thank you to the Law Department and
17 just all the work that you do with
18 us, even on the FOP legislation.
19 We appreciate you so very much.

20 I have just two
21 questions just to see sort of how
22 from an enforcement perspective how
23 this would work. So let's say a
24 family in the city hires a nanny,

1 right. Let's say they're not aware
2 that this legislation is in place.
3 If a complaint is filed against
4 them with the city, how much could
5 they theoretically owe?

6 MS. LEHENY: Sure.

7 Thank you for that question. I
8 know that there's been some recent
9 amendments to the bill so hopefully
10 my numbers -- I'm going to get the
11 right numbers correct. But under
12 the proposed bill if the nanny
13 works for the family for 30 work
14 days or more, they would owe
15 potentially \$3,750 at least. This
16 is assuming that they didn't know
17 about the bill or didn't provide a
18 contract. That would be \$3,000 for
19 failing to have a contract.

20 And if they didn't
21 provide notice to the nanny because
22 maybe they didn't know about the
23 legislation, that would be \$750 for
24 failure to provide the notice. So

1 that's the 3,750. And I do have to
2 add, there are other ways that you
3 can violate the ordinance. So it's
4 possible there would be more
5 financial exposure.

6 COUNCILWOMAN GILMORE

7 RICHARDSON: Okay. So you're
8 saying assuming they don't know.
9 So will the education part be on
10 the city? Will we have an
11 education campaign and just make
12 sure folks are aware of the
13 legislation? How will that part of
14 it work? I know we typically do
15 that. Even with the budget we're
16 talking about the BIRT education as
17 an example with the exemption going
18 away.

19 MS. LEHENY: We do do
20 outreach. It is hard to reach
21 individual families. There's the
22 business community and there are
23 connections, there are entities
24 that we can connect with to try to

1 get the education out that way.

2 With workers, we can
3 work with the various community
4 organizations. We also do go out
5 and, you know, try to go into parks
6 and things and approach people that
7 look like they're, you know, doing
8 the work. Admittedly, it is
9 hardest to reach the individual
10 family that may not be already
11 linked in through some of those
12 organizations. And that's
13 something we're going to have to
14 think about how can we do that.

15 COUNCILWOMAN GILMORE
16 RICHARDSON: Okay. And my last
17 question would be presuming that
18 something occurs, right, and they
19 weren't aware, how would the family
20 then say we weren't aware? How
21 does that work?

22 MS. LEHENY: Well,
23 ignorance of the law is no excuse.

24 (Applause.)

1 MS. LEHENY: There's
2 nothing in the legislation as I
3 understand it -- and again, I know
4 there were some very recent
5 amendments. So if I missed
6 something, I apologize --

7 COUNCILWOMAN GILMORE

8 RICHARDSON: That's why I'm asking
9 because of the most recent with the
10 amendments. I'm asking because of
11 the cure period issue. That's why
12 I'm asking.

13 MS. LEHENY: Yes, that
14 has to do with the private right of
15 action I believe, the cure that
16 you're referring to. And if so,
17 I'd like to call up someone from
18 the Commerce Department, a
19 colleague from the Commerce
20 Department because she -- we
21 don't -- the Department of Labor,
22 we don't have a role in that
23 private right of action piece. But
24 Commerce obviously, as you know, in

1 working with the community at large
2 can provide some feedback on that,
3 if that's all right.

4 COUNCILWOMAN GILMORE

5 RICHARDSON: Okay. That'll be
6 great. I just want to get this on
7 the record for the multitude of
8 colleagues that had a question
9 regarding that portion specifically
10 based on the amendments that were
11 just circulated last night. I just
12 want to get that on the record.

13 MS. LEHENY: Okay. If
14 you'd like, we can provide a
15 follow-up response.

16 COUNCILWOMAN GILMORE

17 RICHARDSON: Okay. That would be
18 great. And then how does the City
19 currently enforce wage theft? And
20 how, if any way, does this bill
21 change that?

22 MS. LEHENY: Well, the
23 bill does define -- does use some
24 language from the Pennsylvania

1 Minimum Wage Act. And we have been
2 advised by the Law Department that
3 the City is preempted from
4 enforcing that so we can't enforce
5 that part of the legislation.
6 Legally we're foreclosed from doing
7 so.

8 COUNCILWOMAN GILMORE

9 RICHARDSON: Because of the
10 Commonwealth -- because of a
11 preemption issue?

12 MS. LEHENY: Yes, and I
13 believe that there are also
14 references more generally to
15 federal and state laws generally.
16 And again, without knowing which
17 laws we're talking about, we can't
18 address whether or not there's a
19 bar to our being able to enforce
20 them. Some federal laws preempt,
21 you know, state or local action.

22 COUNCILWOMAN GILMORE

23 RICHARDSON: I see. Okay.

24 Are there any additional

1 questions for this witness and for
2 this panel?

3 COUNCILWOMAN LANDAU:

4 Yes.

5 COUNCILWOMAN GILMORE

6 RICHARDSON: The Chair recognizes
7 Councilmember Landau and then
8 Councilmember Phillips.

9 COUNCILWOMAN LANDAU:

10 I'm now confused. So I know that
11 this has been a long time coming
12 and there's been a lot of vetting
13 from the Law Department on these
14 bills. Is any part of this package
15 preemptive?

16 MS. LEHENY: Is any part
17 of what preempted?

18 COUNCILWOMAN LANDAU: Is
19 any part of this POWER Act law
20 currently preempted that you know
21 of?

22 MS. LEHENY: That I
23 specifically know of, the reference
24 to enforcing the Minimum Wage Act,

1 the Pennsylvania Minimum Wage Act,
2 we are not -- we are preempted. We
3 cannot legally enforce that. There
4 are other issues raised by Law
5 regarding what Council can legally
6 mandate the executive branch to do,
7 I don't consider that a preemption
8 issue. It's not a preemption
9 issue. It's vis- -vis state or
10 local law.

11 COUNCILWOMAN LANDAU:
12 It's not a preemption issue. The
13 second thing is not a preemption
14 issue?

15 MS. LEHENY: Right.

16 COUNCILWOMAN GILMORE
17 RICHARDSON: Pardon me. You said
18 the second thing is not a
19 preemption issue, but the minimum
20 wage reference is a preemption --

21 MS. LEHENY: That is a
22 preemption issue. That's our
23 understanding.

24 COUNCILWOMAN GILMORE

1 RICHARDSON: Okay. Thank you.

2 Chair recognizes -- I'm
3 sorry. Councilwoman Landau, are
4 you good?

5 COUNCILWOMAN LANDAU:

6 Yes.

7 COUNCILWOMAN GILMORE

8 RICHARDSON: Okay. Chair
9 recognizes Councilmember Phillips.

10 COUNCILMAN PHILLIPS:

11 Thank you. Thank you for your
12 testimony. Under the amendments,
13 the threshold for being included in
14 the bad actor database has been
15 raised to three or more violations.
16 How does the Department of Labor
17 ensure that this threshold doesn't
18 allow repeated or minor violations
19 to go unchecked, especially when
20 the cumulative harm to workers in
21 the community might be substantial?

22 MS. LEHENY: I am so
23 sorry, Councilmember --

24 COUNCILMAN PHILLIPS:

1 I'll do it again.

2 MS. LEHENY: I didn't
3 catch everything you were saying.

4 COUNCILMAN PHILLIPS:

5 I'll do it again. I realized I
6 wasn't really into the mic. I'll
7 do it again. Under the amendments,
8 there is currently included in the
9 bad actor database has been raised
10 three or more violations. How does
11 the Department of Labor ensure that
12 this doesn't allow repeated or
13 minor violations to go unchecked,
14 especially when the cumulative harm
15 to workers and the community might
16 be substantial?

17 So essentially, how do
18 we make sure that after the three
19 or more violations, how are you
20 going to plan to service them as
21 quickly as possible when the
22 violation takes place to make
23 sure --

24 MS. LEHENY:

1 Councilmember, we endeavor to
2 investigate any complaint that
3 comes to us as expeditiously and
4 completely as possible and then to
5 hold employers who are violating
6 the ordinance accountable and to
7 provide the remedies that exist
8 under the law. That part of the
9 bad actors database is to basically
10 publicly call out those employers
11 who are continuously violating or
12 have continually violated.

13 In terms of our ability,
14 we obviously can't preemptively
15 stop someone from violating the
16 ordinance. What we do endeavor to
17 do is to do our best to work as
18 quickly as possible and completely
19 as possible to achieve the best
20 results under our authority.

21 COUNCILMAN PHILLIPS:
22 And really quickly so we can
23 continue onto the panels, does the
24 Department of Labor currently have

1 the staff and resources necessary
2 to carry out these investigations,
3 to respond to complaints in a
4 timely way and oversee the bad
5 actor database?

6 MS. LEHENY: We are in
7 the process of filling some
8 vacancies in the office. We've had
9 some turnover, but we are in the
10 process of filling it and we
11 anticipate that when those
12 vacancies are filled we're going to
13 be able to achieve those goals,
14 and, you know, we look forward to
15 doing that.

16 COUNCILMAN PHILLIPS:
17 Got you. And then also -- I'm not
18 sure this is you. Actually, it is
19 you. So there are going to be some
20 small businesses that are going to
21 have to respond to these things,
22 right. Just for the public to
23 understand a little better, can you
24 talk about the mediation process

1 that comes with this bill in terms
2 of if there is a complaint that's
3 filed, a small business has to
4 particularly respond to that
5 complaint, how are you going to
6 help them? What does the mediation
7 process normally look like?

8 MS. LEHENY: Thank you
9 for that question. I would like to
10 call up my colleague Deputy
11 Director of Office of Worker
12 Protection Olive Kuhn. They have
13 more experience with that process.
14 Thank you.

15 (Witness approached
16 witness table.)

17 COUNCILWOMAN GILMORE
18 RICHARDSON: Please state your name
19 for the record and proceed with
20 your testimony.

21 MS. KUHN: My name is
22 Olive Kuhn. I'm the Assistant
23 Compliance Director for the Office
24 of Worker Protections. So I'm

1 going to talk about what --

2 COUNCILMAN PHILLIPS: Do
3 you need the question again?

4 MS. KUHN: Sorry?

5 COUNCILMAN PHILLIPS: Do
6 you need me to repeat the question
7 again?

8 MS. KUHN: It was about
9 mediations?

10 COUNCILMAN PHILLIPS:
11 Yeah. What is the mediation
12 process going to look like under --

13 MS. KUHN: Currently or
14 under this new ordinance?

15 COUNCILMAN PHILLIPS:
16 Under this new one, yes.

17 MS. KUHN: I don't
18 believe that the mediation process
19 changes too much under this new
20 ordinance. So if it's okay, I'm
21 going to talk about how we
22 currently do things.

23 COUNCILMAN PHILLIPS:
24 Okay.

1 MS. KUHN: So basically,
2 the way the mediation process works
3 is that when employers are notified
4 of an investigation, they are also
5 notified that they have the option
6 to mediate which means to come into
7 compliance with the ordinance
8 before a determination is issued
9 that finds them in violation --
10 well, that could find them in
11 violation, right, depending.

12 And so, a mediation
13 would look like the employer
14 providing our office with whatever
15 information we need to figure out
16 what they need to do to come into
17 compliance. And then they can come
18 into compliance, meaning like pay
19 the worker, notify their workers,
20 whatever it is that they failed to
21 do without an official
22 determination being issued against
23 them. This is something that is
24 done at the office's discretion.

1 It's not done in every case.

2 And speaking in very
3 general terms because every case is
4 a snowflake, but generally an
5 employer that mediates a complaint
6 one time and then we have another
7 complaint against them with the
8 same ordinance, we would maybe not
9 consider mediation if they seem to
10 be violating the same ordinance
11 over and over.

12 COUNCILMAN PHILLIPS: So
13 real quickly, if someone comes in
14 with a complaint saying that my
15 rights have been infringed upon
16 around my leave time, your office
17 will immediately notify -- when do
18 you notify the employer -- how many
19 days does it take for you to get
20 that letter out to them?

21 And then once you notify
22 them how long under this law --
23 just so the public understands,
24 I've read it, but how long will it

1 take for the employer to get to
2 resolve that issue?

3 MS. KUHN: So we do
4 currently have complaints in queue
5 for about 90 days right now. Once
6 they're assigned to an investigator
7 after those 90 days, which is a
8 window right now, it's not exactly
9 90 for every case but that's where
10 we're hovering at, the investigator
11 will do an intake with the
12 complainant, make sure they
13 understand their full narrative of
14 the violation, collect any of their
15 supporting evidence and then at
16 that point, if the office looks at
17 the complaint and says, yes, this
18 looks like a possible violation,
19 yes, this complaint is valid, then
20 we issue a notice of investigation
21 and request for information to the
22 employer. The employer has 30 days
23 to respond to that.

24 Generally, it's during

1 those 30 days that they would
2 indicate to the office that they
3 would like to mediate. And we
4 would go from there.

5 COUNCILMAN PHILLIPS: Do
6 you have record of how many
7 employee -- I got to stop. Do you
8 have record in these type of cases
9 how often the percentage of an
10 employee responding wanting to go
11 through mediation?

12 MS. KUHN: I can give
13 you the numbers for 2023 if you
14 give me a minute. I don't have
15 2024 calculated just yet.

16 COUNCILMAN PHILLIPS:
17 Thank you all so much. That was
18 important for me, for everyone to
19 hear because there's been people --
20 we want to have the employer have
21 the opportunity to get to
22 mediation, right. And I think
23 sometimes there was some confusion
24 of whether or not the employer had

1 the mediation part. And now, you
2 were able to talk more about that
3 for folks who were concerned.

4 Thank you.

5 MS. LEHENY: Councilman,
6 we know that there is limited time
7 and there are more speakers. If
8 you would like, we can provide that
9 information to you in a follow-up.
10 Is that all right?

11 COUNCILMAN PHILLIPS:
12 That will be fine. Thank you.

13 MS. KUHN: It is 23.

14 MS. LEHENY: Never mind.
15 It was 23.

16 MS. KUHN: 23 for 2023.

17 COUNCILMAN PHILLIPS:
18 Only 23?

19 MS. KUHN: 23 mediations
20 completed in 2023.

21 COUNCILMAN PHILLIPS:
22 Okay. And then how many didn't
23 respond, do you know?

24 MS. KUHN: So it was 84

1 violations found and 23 complaints
2 mediated.

3 COUNCILMAN PHILLIPS:

4 Okay. Got you. So is there a
5 large number of employers that
6 don't respond at all?

7 MS. KUHN: So plenty of
8 employers respond, but we end up
9 going through the whole
10 investigation process and
11 determination.

12 COUNCILMAN PHILLIPS:

13 Got you. Thank you.

14 COUNCILWOMAN GILMORE

15 RICHARDSON: Chair recognizes
16 Councilmember Landau.

17 COUNCILWOMAN LANDAU:

18 Thank you. First, I want to start,
19 Olive, thank you so much. Before
20 your time, I used to run the City's
21 Commission on Human Relations and I
22 know the pressure and what it's
23 like to run the city agencies where
24 people are filing complaints in

1 order to have their rights
2 enforced, especially with a small
3 staff and very few resources. So
4 thank you so much for what you do.
5 It's very difficult work and you
6 certainly don't have enough tools
7 in your toolbox I am sure to make
8 this happen.

9 And I appreciate your
10 giving us an understanding of what
11 happens when someone files a
12 complaint with your office and kind
13 of the interactive process that you
14 have between the employee and the
15 employer. So I think that was very
16 helpful for us to know and we
17 absolutely see the need for more
18 resources, and it's loud and clear
19 for me and many of us on Council to
20 hopefully rectify that. So I just
21 wanted to thank you for that.

22 I want to go back to
23 you, Cara, for the interpretation
24 of the minimum wage law. I believe

1 there's two interpretations of what
2 we would see as preempted. We in
3 Philadelphia are not allowed to set
4 a higher minimum wage. If we
5 could, trust me we would do it.
6 And I believe Jimmy Harrity would
7 do it in five minutes if we
8 possibly could. We would
9 absolutely do that. We are not
10 allowed to do that.

11 But we are allowed to
12 enforce the law as is. We're
13 allowed to recognize it. We're
14 allowed to memorialize those terms
15 in our law in order to make sure
16 that we just have it there as a
17 placeholder, especially after we
18 will finally increase it in the
19 state. I don't see this as any
20 kind of violation or anything that
21 would be preempted there. Just
22 simply, we're not allowed to raise
23 the minimum wage.

24 MS. LEHENY:

1 Councilmember, you've known me as a
2 city lawyer for 15 years, but I am
3 no longer with the Law Department.
4 I cannot practice as a lawyer. I
5 am relating what we have understood
6 is Law's conclusion. I did not
7 have this level of discussion with
8 them so I'm not in a position to
9 respond. And I apologize, but I'll
10 be in violation of some ethical
11 rules if I offer my own legal
12 interpretation.

13 COUNCILWOMAN LANDAU:

14 Okay. Thank you.

15 COUNCILWOMAN GILMORE

16 RICHARDSON: Thank you. Thank you
17 so much, Councilmember.

18 And are there any
19 additional questions for this
20 panel?

21 (No response.)

22 COUNCILWOMAN GILMORE

23 RICHARDSON: I'm just going to put
24 on the record if we could get some

1 level of advice from the Law
2 Department regarding the preemption
3 issue in particular, that would be
4 very helpful. Maybe you can't
5 speak to the second issue and I
6 know that's not under your
7 wheelhouse, but I'm just putting
8 this on the record for the
9 Administration and the Law
10 Department, that we need some memo
11 regarding the preemption issue that
12 has been brought up at this
13 hearing. Okay. Thank you very
14 much for being here and thank you
15 for your testimony.

16 MS. LEHENY: Thank you,
17 Chairperson, and we will certainly
18 get that. We'll convey that to
19 Law.

20 COUNCILWOMAN GILMORE

21 RICHARDSON: Please. Okay. Thank
22 you very much.

23 We will now proceed with
24 Panel 3. Please approach the

1 witness table. You will then state
2 your name for the record and
3 proceed with your testimony. Can
4 the Clerk call the names.

5 THE CLERK: Rhiannon
6 DiClemente, Danny Bauder, Ed Grose
7 Zak Pyzik and Ashley Misceovich.

8 (Witnesses approached
9 witness table.)

10 MS. MISCEVICH: Good
11 afternoon, Chairwoman Gilmore,
12 Richardson, Vice-Chair Brooks and
13 members of the Committee. My name
14 is Ashley Misceovich, and I'm here
15 on behalf of the Chamber of
16 Commerce for Greater Philadelphia.

17 The Chamber supports
18 City Council and the City's goal of
19 advancing fair workplace
20 protections and we appreciate the
21 attention this Council continues to
22 give to workers rights. However,
23 we're concerned that as currently
24 drafted the POWER Act would create

1 significant legal, financial and
2 operational challenges for
3 employers of all sizes, but
4 particularly small- and mid-sized
5 businesses, while undermining
6 Philadelphia's competitiveness and
7 job growth.

8 We appreciate
9 Councilwoman Brooks' engagement
10 with our stakeholders. Our
11 conversations have been productive
12 and the amendments proposed so far
13 are a step in the right direction.
14 That said, even with these changes
15 the bill remains fundamentally
16 stacked against all employers and
17 not just bad actors.

18 This concern is shared
19 by several of the city's diverse
20 chambers who have also expressed
21 opposition due to the
22 disproportionate burdens this bill
23 would place on small and minority-
24 owned businesses. Philadelphia

1 already has some of the highest
2 taxes and most stringent
3 regulations in the country. It is
4 one of the most challenging cities
5 to operate a business.

6 We are simply asking for
7 fairness and equity in how
8 workplace ordinances are crafted
9 and implemented and above all, the
10 standards are fair to fair
11 employers. While our full written
12 testimony outlines several areas of
13 concern, I want to highlight the
14 most pressing issues that remain.
15 This bill even after the recent
16 amendments would create significant
17 legal and operational challenges
18 without adequate checks and
19 balances.

20 The first issue being on
21 private right of action. We
22 appreciate the inclusion of a
23 15-day cure period, but as written
24 it does not function as a true cure

1 period. It provides no notice to
2 the employer, no administrative
3 involvement and no real opportunity
4 to resolve the issue before
5 litigation. It simply delays a
6 complaint.

7 This approach doesn't
8 support good faith compliance. A
9 true cure period should give an
10 employer actual notice of an issue
11 and a meaningful opportunity to
12 resolve it before litigation
13 proceeds. If the goal is
14 resolution and not litigation, then
15 the structure of this provision
16 needs to be much clearer and fairer
17 for all parties involved.

18 Second, the rebuttal
19 presumption of retaliation assumes
20 guilt and places an unreasonably
21 high burden on employers --

22 THE CLERK: Excuse me,
23 Ashley. I'm sorry. Can you please
24 speak a little slower? It's too

1 quick for the interpretation.

2 MS. MISCEVICH:

3 Absolutely. My apologies.

4 Certainly. Presumption of

5 retaliation assumes guilt and

6 places an unreasonably high burden

7 on employers, requiring them to

8 prove by clear and convincing

9 evidence that a routine decision

10 wasn't retaliatory, even if they

11 weren't aware that the protected

12 activity had occurred. This flips

13 due process and sets a standard

14 that is far stricter than federal

15 or peer guidelines. This is

16 especially the case because the

17 trigger for presumption protected

18 activity is written so broadly that

19 it could be deployed against a good

20 faith employer for routine

21 activity.

22 To avoid fines and

23 potential blacklisting by the city,

24 the employers only recourse would

1 to be prove its innocence in a
2 proceeding where the deck is
3 stacked against it. This is not a
4 fair worker protection. This is
5 putting the ball in the employer's
6 goal line just because. Is this
7 the climate we want for employment
8 in the city of Philadelphia?

9 We also maintain
10 concerns around the extended
11 statute of limitations,
12 recordkeeping, the bad actors list
13 and those are detailed in our
14 written testimony. Our central
15 concern is that this bill, even
16 with amendments, still creates a
17 framework that is unfairly tilted
18 against employers, and particularly
19 those without in house or HR teams.

20 Other cities like
21 Seattle, Chicago and LA have taken
22 a more balanced and comprehensive
23 approach, requiring not just cure
24 periods but also administrative

1 exhaustion and clearly defined
2 terms and ensure due process and
3 fairness. These frameworks are
4 designed to resolve issues
5 collaboratively and equitably
6 before escalating to litigation,
7 giving employers a meaningful
8 chance to address their concerns.

9 Written testimony and
10 proposed amendments reflect these
11 models in full, but the amendments
12 currently under consideration only
13 borrow selective elements of these
14 ordinances without adopting the
15 structure necessary to create true
16 balance. Our goal throughout this
17 process has been to strike a
18 balance preserving the integrity of
19 the bill sponsor's intent to
20 protect workers while ensuring
21 employers aren't fairly penalized
22 in this process. Instead what we
23 see is an environment that
24 continues to place all the burden

1 on businesses across the board.

2 We urge this Committee
3 to not advance this bill in its
4 current form. Instead we support
5 the creation of a task force
6 bringing together business, labor
7 and enforcement agencies to review
8 existing laws, identify gaps and
9 propose evidence-based reforms that
10 work for both workers and
11 employers.

12 We believe a
13 collaborative, data-driven process
14 is a better path forward, one that
15 can ensure meaningful protections
16 for workers while supporting a
17 strong and inclusive Philadelphia.
18 I thank you for your time and happy
19 to answer any questions after my
20 colleagues.

21 MR. GROSE: Good
22 morning. My name is Ed Grose, and
23 I'm the Executive Director of the
24 Greater Philadelphia Hotel

1 Association, which represents 100
2 hotels throughout the region and
3 virtually all hotels in Center
4 City. Philadelphia hotels employ
5 10,500 people, over 80% of which
6 are Philadelphia residents.

7 This year we will
8 generate \$123 million in tax
9 revenue to the City of Philadelphia
10 and Commonwealth of Pennsylvania.

11 GPHA appreciates the opportunity to
12 testify regarding this matter.

13 While we appreciate Council's
14 continued focus on creating quality
15 jobs, we have a number of concerns
16 regarding the proposed changes to
17 the City's various workers rights
18 ordinances.

19 Given the scope, length
20 and potential impact of the bill on
21 all employers throughout the city,
22 we respectfully request that the
23 Committee hold this bill so further
24 work can be done to ensure that the

1 sponsor's goal of protecting
2 workers is met, while minimizing
3 any unintended consequences to
4 employers.

5 Today I will focus my
6 attention on the primary issues
7 with which I and my members are
8 most concerned. First is the
9 private right of action authorized
10 by the legislation. This provision
11 would not only allow workers but
12 third parties to file lawsuits
13 without any preliminary complaint
14 or engagement with the designated
15 enforcement agency.

16 While we are
17 appreciative of the proposed
18 amendment that would create an
19 opportunity to cure an alleged
20 violation, we would respectfully
21 request that the proposed amendment
22 period of 15 days be extended to 30
23 days. Many small- and medium-sized
24 businesses often lack the legal or

1 human resources capacity to
2 investigate and resolve these types
3 of issues while still running the
4 day-to-day business. We believe
5 that a 30-day opportunity to cure
6 an alleged violation before
7 requiring a business to hire legal
8 counsel and incur thousands of
9 dollars in defense expenses against
10 a private cause of action is a
11 reasonable compromise. Therefore,
12 we respectfully request that the
13 bill be amended to provide
14 employers a 30-day opportunity to
15 cure the alleged violation before
16 private right of action may be
17 filed.

18 Our next major area of
19 concern relates to the presumption
20 of violation by an employer and the
21 heightened evidentiary burdens
22 outlined in the ordinance. The
23 legislation provides for a
24 presumption of unlawful retaliation

1 for employers accused of
2 retaliation against an employee.

3 Under the legislation
4 this presumption is only rebuttable
5 with clear and convincing evidence,
6 a higher standard of proof. Not
7 only is the employer presumed to be
8 in violation of the law, but this
9 bill would require the employer to
10 prove its innocence under a
11 heightened evidentiary standard.
12 We urge Council to adopt a safe
13 evidentiary standard required in
14 most civil court cases and allow
15 for employers to overcome the
16 presumption of a violation by
17 preponderance of evidence rather
18 than the heightened standard
19 proposed of clear and convincing
20 evidence.

21 In light of the above,
22 presumption of unlawful retaliation
23 and heightened evidentiary standard
24 to rebut it, the proposed

1 ordinance's sweeping definition of
2 adverse action is unattainable.
3 Adverse action is so broadly
4 defined that many day-to-day
5 staffing and scheduled decisions
6 could be presumed unlawful
7 retaliation. Any action that
8 negatively affects a compliance
9 compensation terms or conditions is
10 overly broad and fails to take into
11 account the realities of operating
12 businesses whose staffing needs are
13 dependent on public demand, which
14 can often be cyclical and fickle.

15 For example, if a waiter
16 at a restaurant files a complaint
17 alleging of a violation of a Fair
18 Workweek law and then later they
19 see their number of shifts reduced
20 because summer weekends are not as
21 busy, under the law this would be
22 considered an adverse action
23 against the complainant. The
24 restaurant would be presumed guilty

1 of their violation and would have
2 to prove by heightened standard
3 that this was not retaliation.

4 While we support the
5 efforts to hold employers
6 accountable for improper
7 retaliatory behavior, this bill
8 sweeps many perfunctory and
9 standard business management
10 practices into the realm of
11 improper retaliation.

12 Lastly, we are concerned
13 with the extension of statute of
14 limitations to three years. This
15 significant expansion of time in
16 which a former employee can file a
17 claim significantly increases legal
18 exposure, insurance cost and
19 general uncertainty. With the
20 natural turnover of the workforce
21 through attrition, retirement or
22 career advancement with other
23 employers, the longer the time
24 period between the alleged

1 violation and the filing of the
2 claim, the more difficult for its
3 employers to defend against it.

4 An overarching concern
5 with this bill is that it does not
6 distinguish between de minimis
7 violations of the law and serious
8 violations. GPHA places tremendous
9 value on our team members. They
10 are the men and women that make the
11 region's \$7.6 billion tourism
12 economy possible.

13 We support Council's
14 efforts to ensure that
15 Philadelphia's workers are
16 protected from unscrupulous
17 employers whose business model
18 relies on the exploitation of their
19 workforce like we have heard today.
20 However, this legislation is meting
21 out consequences, fails to
22 distinguish between de minimis and
23 material violations.

24 I'm going to go off

1 script here for a second. I
2 believe our industry is an
3 opportunity for people. Just last
4 week, there is an African American
5 woman who is one of my board
6 members. She started out at her
7 hotel as a housekeeper and she is
8 now the general manager of a hotel
9 making north of \$200,000 a year.
10 Last week she was promoted out of
11 that position.

12 So when I hear stories
13 like I've heard from our earlier
14 testimonies, the difference between
15 us and them is great. I will take
16 the benefits and the upward
17 mobility of our hotels and I'll put
18 it up against any of these
19 industries and that we treat our
20 people well. They are important to
21 us. They are important. They are
22 vital to the economy of
23 Philadelphia.

24 I'm going to go back on

1 script and finish. Once again
2 given the length, breadth and scope
3 of coverage of this proposed bill,
4 we respectfully request that it be
5 held in Committee so that the
6 stakeholders can continue to work
7 with Council to further refine the
8 language of the bill. With
9 international tourism falling
10 considerably and the World Cup in
11 2026 celebrations putting
12 Philadelphia in the global
13 spotlight, we can't afford to get
14 this wrong. Worker protections and
15 the city's economic future are
16 inextricably linked and we need to
17 get this done right, not just done
18 fast. Thank you for your time
19 today.

20 MR. PYZIK: Good morning
21 Chairperson -- can you hear me?

22 Good morning, Chair --

23 COUNCILWOMAN GILMORE

24 RICHARDSON: One moment please.

1 COUNCILWOMAN BROOKS:

2 Can you speak into the mic? We
3 can't hear you.

4 MR. PYZIK: Good
5 morning, Chairperson Gilmore
6 Richardson, Vice-Chairperson Brooks
7 and members of the Committee on Law
8 and Government. My name is Zak
9 Pyzik and I am the Senior Director
10 of Public Affairs at the
11 Pennsylvania Restaurant and Lodging
12 Association, the PRLA.

13 PRLA represents
14 countless small businesses in the
15 city, including the more than 6000
16 restaurants and 100-plus hotels in
17 Philadelphia. PRLA represents
18 small businesses across every
19 neighborhood in this city and in
20 every region of the Commonwealth.

21 I appreciate the
22 opportunity to speak with you today
23 about Bill No. 250065,
24 Councilmember Brooks' POWER Act.

1 While I do very much value this
2 opportunity, I should note that
3 there are many other business
4 groups impacted by this legislation
5 that would have also welcomed the
6 chance to address concerns and
7 thoughts on this proposal. It's
8 disappointing to our members and
9 the business community we've been
10 engaged with to see such
11 significant and substantial
12 legislation move so quickly as
13 initially drafted.

14 PRLA opposes the
15 underlying legislation. While we
16 wholeheartedly support efforts to
17 improve workplace protections,
18 fairness and transparency, this
19 bill, without revisions, introduces
20 a sweeping set of mandates,
21 liabilities and legal uncertainties
22 that would negatively impact the
23 hospitality industry here in
24 Philadelphia.

1 Over the past year,
2 we've seen meaningful steps towards
3 a more collaborative relationship
4 between city government and the
5 business community. We've welcomed
6 efforts at streamlining,
7 permitting, reducing red tape and
8 together, we've all worked to
9 restore Philadelphia's reputation
10 as a place where businesses can
11 thrive.

12 Unfortunately, this bill
13 in our opinion goes in the opposite
14 direction. The only parties likely
15 to benefit from this legislation as
16 written are attorneys and
17 litigators who will be suing the
18 many businesses that we represent,
19 not small business owners and not
20 workers.

21 Our industry believes in
22 fair pay, safe workplaces and open
23 communication between employers and
24 employees. That said, the approach

1 taken in this legislation far
2 exceeds the scope of what we
3 believe was even initially intended
4 and creates a regulatory minefield
5 that many restaurants and hotels
6 simply won't survive.

7 I'm confident saying
8 many other businesses in the city
9 share these same concerns. While
10 we oppose the legislation in its
11 current form, we do support several
12 key amendments that would make
13 practical improvements to the
14 proposal. We respectfully urge
15 Council to work in collaboration
16 with stakeholders to develop a more
17 balanced framework, one that
18 protects workers without
19 threatening the viability of the
20 very businesses that employ them.

21 As currently drafted,
22 the bill allows employees and even
23 third parties to bring lawsuits
24 directly against employers without

1 first seeking resolution and
2 comprehensive remedy through the
3 city's enforcement agency. This
4 will increase the risk of immediate
5 litigation, even for minor or
6 inadvertent violations.

7 Furthermore, it will
8 enable class action lawsuits and
9 forum shopping. And most
10 importantly in our opinion, the
11 bill discourages real resolution
12 and places legal counsel ahead of
13 actual dialogue and collaboration
14 between employer and employee, all
15 while simultaneously stacking the
16 deck against employers.

17 The business community
18 is suggesting amendments that
19 require exhaustion of
20 administrative remedies, limit
21 third party standing and
22 involvement in litigation, the
23 addition of a 30-to-60-day cure
24 period for good faith employers and

1 reduces the statute of limitations
2 from three years to one year.
3 These steps would help ensure due
4 process, reduce opportunistic
5 litigation and still preserve
6 various worker protections.

7 In the current form, the
8 bill extends retention requirements
9 and presumes guilt in the absence
10 of documentation. This is
11 unworkable for industries like
12 hospitality which face high
13 turnover and operate on slim
14 margins. Even the most well-
15 intentioned operators would
16 struggle to defend themselves
17 against what we believe is a
18 guilty-until-proven-innocent
19 standard established in this bill,
20 many who likely haven't even had
21 time to digest, explore and unpack
22 such a comprehensive and
23 significant policy proposal.

24 We support amendments to

1 restore a two-year recordkeeping
2 requirement and maintain
3 Philadelphia's current statute of
4 limitations. The bill imposes an
5 unreasonably high burden of proof
6 and would likely punish businesses
7 for making what would otherwise be
8 seen as legitimate HR decisions.

9 PRLA supports amendments
10 to narrow the presumption window,
11 require a clear definition of
12 retaliation and protect businesses
13 with documented performance
14 records. Supporting these
15 amendments ensures that commonsense
16 management is not ultimately
17 mischaracterized as retaliation.

18 The legislation allows
19 the city to create a public bad
20 actor list and revoke business
21 licenses even for technical first-
22 time violations. This approach
23 could severely damage the
24 reputations of responsible

1 businesses and could create a
2 chilling effect on businesses. We
3 support eliminating the bad actor
4 database and limiting license
5 revocation to only the most
6 egregious repeated violations. And
7 if eliminating the bad actor
8 database isn't an option, the
9 business community supports very
10 serious conversations around
11 exploring changes and improvements
12 to ensure that reputations of good
13 companies and operators are not
14 collateral damage due to poorly
15 written policy.

16 9 out of 10 restaurants
17 that we represent have fewer than
18 50 employees. 7 in 10 restaurants
19 are single-unit independently-owned
20 businesses. Over 40% of
21 Pennsylvania restaurants are women-
22 owned. The restaurant industry
23 employs more minority managers than
24 any other sector in the economy.

1 Hospitality, like Ed
2 noted earlier, is an industry of
3 opportunity. It has long served as
4 the training ground and the
5 launching pad for Philadelphia's
6 working families, entrepreneurs and
7 immigrant communities. The
8 legislation before us risks turning
9 that opportunity into a liability.

10 Moving forward, we
11 respectfully ask that Council
12 chooses a path of balanced reform,
13 one that values worker protections
14 and economic vitality. The current
15 approach is a punitive approach
16 that stifles growth, discourages
17 compliance and undermines our
18 recovery. PRLA urges City Council
19 to hold off on making any immediate
20 decisions on this proposal, as we
21 believe there's a lot more work
22 that needs to be done and more
23 conversations necessary.

24 Furthermore, we

1 respectfully urge this Committee to
2 reconsider the current bill and
3 work collaboratively towards what
4 could be a more practical, data-
5 informed framework. Given the
6 significant and complex changes
7 proposed in the POWER Act in this
8 legislation, we respectfully urge
9 Council to refrain from advancing
10 the bill. Doing so risks adding
11 another layer of regulatory
12 uncertainty for employers,
13 particularly small- and mid-sized
14 businesses, and could further deter
15 job creation, retention and long-
16 term investment in our city.

17 We believe a more
18 collaborative and data-driven
19 process is a better path forward,
20 one that can ensure meaningful
21 protections for workers while
22 supporting a strong and inclusive
23 economy for all Philadelphians.
24 Let's protect workers. Let's also

1 support responsible and good-acting
2 employers. Thank you for your time
3 today and thank you in advance for
4 your consideration.

5 COUNCILWOMAN GILMORE

6 RICHARDSON: Thank you. Thank you
7 very much for your testimony.

8 I'm going to ask that
9 everyone please summarize your
10 testimony. I have a hard stop
11 today that I've had in advance of
12 today and I need everyone to please
13 summarize your testimony because we
14 have 10 additional witnesses and we
15 still have amendments that we need
16 to try to work through today.
17 Okay. Please summarize your
18 testimony. Thank you for being
19 here.

20 Please state your name
21 for the record and proceed with
22 your testimony.

23 MS. DiCLEMENTE: Good
24 morning. My name is Rhiannon

1 DiClemente. I'm an attorney with
2 Community Legal Services. Each
3 year CLS represents over 2000
4 low-income workers in Philadelphia.
5 Alongside our partners, we have
6 supported legislation to strengthen
7 worker protections, including wage
8 theft, paid sick leave and the
9 domestic worker bill of rights.
10 These laws protect over 700,000
11 Philadelphia workers.

12 Since its creation, the
13 Office of Worker Protections has
14 seen yearly increases in the number
15 of reports filed by workers
16 alleging wage theft, violations of
17 paid sick leave and other labor law
18 violations. In the first half of
19 2024 alone, the office recovered
20 over a quarter million dollars for
21 Philadelphia's workers. We know
22 that by and large our business
23 community wants to follow the law
24 and support their workers. But

1 unfortunately, despite the office's
2 enforcement efforts, bad actors
3 continue to exploit workers and
4 flaunt the agency's authority.

5 CLS saw this firsthand.

6 After we were contacted by two home
7 health aides, we helped them file
8 wage theft complaints with the
9 Office of Worker Protections. The
10 employer stalled the investigation
11 by refusing to provide the
12 requested documents and information
13 to investigate the claim. Even
14 after the office found the employer
15 in violation of the law and ordered
16 it to pay the workers, the employer
17 ignored the order and never paid.
18 The office was unable to enforce
19 its order due to limitations under
20 our current law.

21 Unfortunately, this is
22 not a one-off case. This is why
23 it's vital that our Office of
24 Worker Protections has strong

1 enforcement tools. Workers need to
2 trust that if they stand up for
3 their rights, often facing the risk
4 of retaliation in doing so, that
5 the office will be able to protect
6 them, investigate violations of our
7 laws and hold employers who are
8 found in violation accountable.

9 The POWER Act would
10 create a new Chapter 9-6600,
11 entitled "Enforcement of Worker
12 Protection Ordinances" that lays
13 out a single streamlined process
14 for the office to receive
15 complaints, investigate violations
16 of the law and ensure compliance.
17 This change will make the agency's
18 decision-making process more
19 transparent and efficient. It will
20 also make it easier for both
21 workers and employers to understand
22 their rights and obligations during
23 an investigation by the agency.

24 The Act will also allow

1 the office to use its resources
2 strategically to improve overall
3 compliance with the law. The Act
4 authorizes the office to start an
5 investigation on its own and to
6 expand an investigation from an
7 individual complaint into an entire
8 workforce to remedy widespread
9 violations. This way the office
10 can have a greater impact in high-
11 risk industries, where vulnerable
12 workers often face barriers that
13 make them unlikely to file
14 complaints.

15 The POWER Act also
16 prohibits employers from
17 retaliating against workers who
18 report labor violations. It
19 creates a rebuttable presumption of
20 retaliation where an employer takes
21 negative action against an
22 employee, for example, cutting
23 their hours or firing them within
24 90 days of that worker asserting

1 their labor rights. It also
2 authorizes the office to fast track
3 investigations into retaliation so
4 that they can better protect
5 workers who stand up for their
6 rights.

7 Finally, the POWER Act
8 gives the office stronger
9 enforcement tools for egregious
10 situations such as the bad actors
11 list. This is for employers who
12 remain delinquent after an order is
13 issued and they've had the right to
14 appeal and haven't and they refuse
15 to pay the worker the money that
16 has been determined to be owed to
17 them.

18 It also includes
19 employers who have been found to
20 have violated our laws repeatedly.
21 Without effective enforcement, our
22 labor laws are just words on paper
23 and do not achieve their intended
24 purpose of protecting workers

1 rights.

2 We ask that City Council
3 vote yes on the POWER Act to ensure
4 that our policy wins are reality
5 for the hundreds of thousands of
6 working people who power our great
7 city.

8 (Applause.)

9 MR. BAUDER: Good
10 morning, Chairwoman, Committee
11 members. My name is Daniel P.
12 Bauder. I live in Roxborough, and
13 I'm President of the Philadelphia
14 Council AFL-CIO.

15 (Applause.)

16 MR. BAUDER: We're short
17 on time folks. Philadelphia
18 Council has a history of supporting
19 legislation like this, Fair
20 Workweek, paid sick leave,
21 et cetera. Even though the
22 majority of those bills and
23 ordinances in this current bill,
24 the POWER Act, don't really affect

1 union members or workers that have
2 a collective bargaining agreement,
3 the reason that the Labor Council
4 supports initiatives like this so
5 fervently is that we believe deeply
6 that all workers deserve respect
7 and dignity on the job regardless
8 of whether or not they have a
9 union.

10 I recognize that Council
11 is very deep in the budgeting
12 process currently. And I want to
13 say that on behalf of both the
14 Council but also this coalition of
15 organizations and unions in support
16 of the POWER Act, we want to work
17 in partnership with Council to make
18 sure that the City's Labor
19 Department has the resources they
20 need to properly enforce this and
21 other labor protection bills.

22 Finally, I want to
23 emphasize the need for worker
24 protections like the POWER Act in

1 light of the relentless attack on
2 workers that we are seeing from
3 Washington, from oligarchs, both
4 elected and unelected. I've
5 submitted my testimony, my written
6 testimony, so I'm not going to
7 belabor the point, but the
8 Philadelphia Council strongly urges
9 this Committee to move the POWER
10 Act out of Committee with a
11 positive vote. Thank you.

12 (Applause.)

13 COUNCILWOMAN GILMORE

14 RICHARDSON: Thank you. Thank you
15 very much for your testimony. And,
16 yes, very much appreciate you all
17 coming in and for all the work that
18 everyone has been doing on this
19 legislation. And you see we're
20 actively doing the same thing, so
21 we are listening. And not only
22 that, we have read your testimony.

23 I want you to know I
24 stayed up until midnight last night

1 going through all of this, and all
2 the team members here, all the
3 Council team members know that
4 based on the time of my emails. So
5 we appreciate you all coming in.
6 And, Danny, appreciate the
7 opportunity to touch base this
8 morning.

9 I will pass it to Vice-
10 Chair Brooks, but I just wanted to
11 get on the record because someone
12 brought this up to me and I want to
13 get this on the record, that this
14 legislation even though it states
15 that it's regarding domestic
16 workers, that it is broader than
17 that, does it impact additional
18 industries and which industries
19 does this impact outside of just
20 domestic workers?

21 MS. DICLEMENTI: The
22 legislation builds on all of our
23 existing worker protections, so it
24 includes wage theft, paid sick

1 leave, including the domestic
2 worker bill of rights. So any
3 employer that would be covered by
4 our existing wage theft laws, our
5 existing paid sick leave laws would
6 extensively be subject to these
7 enforcement changes and retaliation
8 changes that are being made.

9 So really what we're
10 trying to do is streamline the
11 enforcement process and make the
12 retaliation protections consistent
13 again across all of our existing
14 labor laws here in Philadelphia.

15 COUNCILWOMAN GILMORE

16 RICHARDSON: No, and I received
17 that. But my specific question was
18 regarding the industry's impact can
19 you put it on the record? That's
20 what I'm asking. Okay. And then
21 I'm going to pass it to Vice-Chair
22 Brooks once you respond.

23 MR. PYZIK:

24 Councilperson, I'm happy to jump in

1 on that question. From our
2 perspective -- I'm certainly not an
3 attorney, but based on the feedback
4 we've been getting from our members
5 in our industry, I mean it seems
6 that this goes well beyond just
7 domestic worker protections. I
8 mean, this impacts the broader
9 business community in Philadelphia
10 undoubtedly, restaurants, hotels,
11 the broader travel tourism
12 industries, anybody. Like my peers
13 said on this panel here, anybody
14 who is impacted by wage theft,
15 workplace retaliatory claims, Fair
16 Workweek would likely be impacted
17 in some form by this legislation.

18 COUNCILWOMAN GILMORE

19 RICHARDSON: Thank you. And then
20 lastly, what I would like to get on
21 the record is did you all offer
22 amendments or your thoughts,
23 concerns in advance to the sponsor
24 of the legislation?

1 MS. MISCEVICH: Hi, yes.
2 Ashley. We did. And I think that
3 a good bit of them were included
4 and we do appreciate the
5 consideration. However, some of
6 the amendments given the way in
7 which they would apply to the bill
8 as it's written, really don't
9 operate in the function that it was
10 intended to.

11 Private right of action
12 is a great example. A cure period
13 was added. However, it's not a
14 standard cure period. All it does
15 is give a 15-day window for the
16 employer to respond. It doesn't
17 require them to be in notice of the
18 violation. It doesn't require for
19 any other claim to be filed. And
20 so, essentially that employee could
21 go 15 days without saying a word,
22 but the employer then after that
23 15th day would be held liable for
24 that and they would be open to

1 litigation.

2 And so, our goal here is
3 to really provide the employer a
4 real opportunity to respond and
5 remedy before they're open to
6 frivolous lawsuits. And I say that
7 as in there's no requirement for
8 the employee to file a claim. They
9 can immediately pursue litigation
10 after a 15-day period. But again,
11 there's nothing that requires a
12 notice to be given to them as it is
13 currently written.

14 COUNCILWOMAN GILMORE

15 RICHARDSON: Okay. Thank you.

16 The Chair now recognizes
17 Councilmember Phillips and then
18 Vice-Chair Brooks.

19 COUNCILMAN PHILLIPS: I
20 just want to quickly recognize
21 before we turn it over to the Vice-
22 Chair, that Tony Taliaferro and
23 their students from Roxborough High
24 School, they're here today.

1 (Applause.)

2 COUNCILMAN PHILLIPS:

3 Tony Taliaferro is running the
4 program to teach young people about
5 civics and engagement and the
6 history of service in Philadelphia
7 and beyond. So thank you so much,
8 Tony, for bringing the students
9 today.

10 (Applause.)

11 COUNCILWOMAN GILMORE

12 RICHARDSON: Thank you. Thank you
13 very much. We appreciate all the
14 young people coming in and seeing
15 democracy in action. Thank you all
16 so very much.

17 The Chair now
18 recognizes -- okay. I'm going to
19 recognize Vice-Chair Brooks and
20 then we'll proceed. Thank you.

21 COUNCILWOMAN BROOKS: I
22 just want to get some things on the
23 record. I had several questions,
24 but I'm going to hold on my

1 questions because we are pressed
2 for time. And I think it's
3 important for me to put this on the
4 record because -- we have been
5 working on this piece of
6 legislation since September. And
7 in good faith, we have always been
8 in communication with stakeholders.
9 So I want to put the timeline that
10 we put out and how we have
11 corresponded with people and the
12 names for the record, because I
13 feel as a former domestic worker
14 the level of disrespect. You gave
15 a story about a woman that worked
16 up through your organization to
17 become a leader.

18 I worked up as a
19 domestic worker --

20 (Applause.)

21 COUNCILWOMAN BROOKS: I
22 worked hard to become a domestic
23 worker to sit here right now, and I
24 take great honor in saying that I

1 handle legislation, that I include
2 all stakeholders even when I have
3 never been included in rooms. I
4 take huge respect in saying that I
5 listen to everyone and take
6 everything you say in
7 consideration, and I really get
8 very upset when people are
9 disingenuous or try to make me feel
10 like I'm incompetent and did not do
11 my job, so I'm going to put this on
12 the record.

13 (Applause.)

14 COUNCILWOMAN BROOKS: In
15 September, we had a press
16 conference introducing this
17 legislation. In October, our first
18 outreach to Bellevue Strategies,
19 which is the lobbyist organization
20 that handles a lot of its
21 organizations that we were familiar
22 with. February 6th, the POWER
23 legislation was introduced and
24 emailed to business organizations.

1 February 11th, we
2 emailed additional business
3 organizations. February 17, the
4 Chamber confirmation of awareness
5 happened. February 28th, we met
6 with the Mayor's legislator team
7 asking for a meeting, and the
8 meetings were delayed for a month.

9 March 3rd, office emails
10 the Chambers asking if they could
11 have a follow-up. March 4th, Frank
12 DiCicco Association asked for a
13 meeting. March 5th, the Chamber
14 confirms the meeting with the
15 office and the membership meeting
16 to discuss the POWER Act.

17 March 6th, hearing gets
18 delayed with official fiscal impact
19 study, which no one else was ever
20 asked to do anything like that.
21 March 7th, meeting with the Chamber
22 of Commerce that asked to move the
23 hearing and we asked for March 6th
24 documents.

1 March 13th, meeting with
2 another meeting with Frank DiCicco
3 & Associates. April 12th, we
4 emailed a reminder about the March
5 26th deadline to the Chamber and
6 DiCicco Association. April 8th,
7 the Chamber sent us policy
8 statement with no amendments.
9 April 10th, the office asks for
10 amendments again. April 10th, the
11 office meets with the Mayor's leg
12 team, the Department of Labor and
13 the Department of Commerce.
14 April 14th, Frank
15 DiCicco & Associates asked for one
16 meeting with all stakeholders.
17 April 15th, the office asked for
18 amendments again, and Frank DiCicco
19 & Associates respond and says, not
20 until closer to a meeting. April
21 18th, Friday evening, 8:00 p.m. the
22 Chamber sends over amendments.
23 April 21st, a meeting with the
24 business stakeholders, another act

1 to delay this hearing. The Chamber
2 sends over requested materials on
3 April 22nd, and April 23rd we
4 finalized these amendments. I
5 don't know what good faith looks
6 like.

7 (Applause.)

8 COUNCILWOMAN BROOKS:

9 Let's settle down. Remember, we're
10 still on a time frame.

11 MS. MISCEVICH: I'm not
12 going to question anything that you
13 just acknowledged. That is a
14 correct timeline. And it does take
15 us a significant amount of time to
16 go through a 44-page bill, one, and
17 to get consensus with our
18 stakeholders and to make sure that
19 we've done our checks and balances
20 in what we're submitting. That is
21 the only thing I can offer to that.

22 We appreciate the time
23 that your office has given. We
24 felt as though we've had really

1 productive conversations. This is
2 a very significant bill period,
3 plain and simple, right. And so, I
4 think that for us just making sure
5 that if we are as an organization
6 to sit here and represent our
7 members, we're doing our due
8 diligence, okay.

9 COUNCILWOMAN BROOKS:

10 And I do appreciate that.

11 MS. MISCEVICH: And I
12 just want to acknowledge that
13 everything that you said is
14 correct. That is a correct
15 timeline. We wanted to make sure
16 that we were doing right by our
17 members, making sure we had
18 consensus on our position, making
19 sure that we had consensus on the
20 amendments, and we were giving you
21 a product that we could stand
22 behind and defend.

23 COUNCILWOMAN BROOKS:

24 No, I appreciate that. As you can

1 see, my legal team, we're still
2 trying to make sure we're meeting
3 those amendments. But I'm going on
4 the testimony that I heard and I
5 heard several implications that
6 made it seem like I did not do my
7 job.

8 MS. MISCEVICH: That's
9 not it.

10 MR. PYZIK:
11 Councilwoman, can you -- is this
12 on, is this working now, this mic.
13 Certainly understand your timeline.
14 And if I may respectfully just kind
15 of add to Ashley's comments. From
16 the Association's perspective, like
17 Ashley noted, it admittedly does
18 take us some time to engage
19 stakeholders and get adequate and
20 significant feedback to actually
21 provide you and other legislators
22 as we navigate this.

23 First and foremost, I
24 want to thank you. We met earlier

1 I guess that was this week. We met
2 earlier this week. Appreciate
3 that. I know you've been engaged
4 with our friends over at Frank
5 DiCicco & Associates. From our
6 perspective, just to kind of give
7 you this landscape a little bit in
8 case it's helpful, you know, we're
9 representing restaurants, hotels of
10 all sizes.

11 And so, we're engaging
12 your quick service restaurants to
13 your fine dining restaurants.
14 We're engaging operators with 50,
15 100-plus employees to operators
16 that have less than 50 employees,
17 as you might imagine. They all
18 have different perspectives,
19 depending on where you might
20 operate in the city, how many
21 employees you have.

22 A significant amount of
23 the timeline and activity from our
24 perspective kind of happened in

1 February. I think the bill was
2 proposed in February. I think
3 Ashley said 46 pages. I must have
4 been looking at it with larger font
5 because it was like closer to 49
6 for me. But it's only April, you
7 know, from our perspective, and the
8 bill was introduced in February.

9 So for us, and I hope
10 you'll forgive us, but for us
11 that's very little runway to
12 adequately and accurately and
13 really genuinely engage the full
14 restaurant and hospitality issue.
15 We're talking more than 6000
16 restaurants, 100-plus hotels. We
17 appreciate your time and your
18 efforts to engage with us, but I
19 hope you know we are trying to
20 judiciously but also genuinely
21 engage our members in the industry
22 and get their perspective on how
23 this would impact them.

24 COUNCILWOMAN BROOKS:

1 No, I get it. You guys have to
2 handle the, you know, you have to
3 meet the needs of your members, but
4 I too have to meet the needs of the
5 constituents in the city of
6 Philadelphia, including the
7 business community. And you guys
8 have paid folks to do this job.
9 Most of these folks took a day off
10 from work to fight for their
11 rights.

12 And you might not care
13 or it might be like whatever, but
14 many of these people make less than
15 \$20 an hour. So \$7 an hour, tip
16 wages, all of that makes a huge
17 difference in the life of families.
18 So I understand that you have to
19 meet the needs of your
20 constituents, but we also have
21 timelines here in City Council. We
22 have timelines in the community and
23 we have to continue to work
24 together.

1 And I mentioned this
2 between us and behind doors
3 meeting, but for you to come and
4 put on record like me and my team
5 did not do their job I don't
6 operate like that. But if this is
7 how we're going to do this, we can
8 and I just don't appreciate that.

9 (Applause.)

10 COUNCILWOMAN GILMORE

11 RICHARDSON: All right. Now, we're
12 going to move on. We're going to
13 move on. And I am actively working
14 to try to work through the
15 challenges with this legislation in
16 realtime so that, one, that the
17 intent is there but also that we
18 are addressing some of the concerns
19 that I do believe are valid. This
20 is a give and a take.

21 It's a sausage-making
22 process of legislation. I didn't
23 get to be here for 25 years doing
24 this for no reasons. I'm trying to

1 do all of that right now under the
2 time constraints that we have. So
3 we are going to move on so that we
4 can hear from the last panel and
5 then also the folks that signed up
6 to give public comment. But I just
7 ask that everyone understand that
8 this is a delicate process that we
9 have to work through, not only as
10 legislators who represent people,
11 and a majority of us in here the
12 entire city of Philadelphia, but we
13 also have to be cognizant of what
14 we do know to be true in this city
15 based on the information we do
16 receive as legislators, and that
17 includes projections stating that
18 we'll have 0% job growth over the
19 next five years in this city.

20 So it's a balance and
21 we're going to get through it. And
22 I also ask that everyone please
23 remain respectful in these chambers
24 because this is a proceeding. So

1 we're going to move on to Panel 4.

2 I ask that the Clerk
3 call the witnesses for Panel 4. If
4 you have already submitted -- I
5 apologize. If you have already
6 submitted your written testimony, I
7 ask that you please summarize
8 because we still have to break to
9 work through the amendments and our
10 time is very limited.

11 THE CLERK: Alex Bernard
12 and Jennifer Zavala.

13 (Witnesses approached
14 witness table.)

15 COUNCILWOMAN GILMORE
16 RICHARDSON: Please state your name
17 for the record and proceed with
18 your testimony.

19 MR. BERNARD: Thank you
20 for your time. Don't worry. I'll
21 be pretty quick here. My name is
22 Alex Bernard and I'm the owner of
23 Winsome Barbershop in Callowhill.
24 Winsome is a small barbershop with

1 a diverse team that includes myself
2 plus six other full-time barbers.

3 I take pride in the fact
4 that I go above and beyond what is
5 required by law to provide for my
6 team in order for them to feel
7 comfortable and secure in both
8 their work and their lives.

9 Everyone at my shop who works at
10 least four days a week is offered
11 40 hours of PTO per year as well as
12 a 401K retirement package.

13 In addition, I offer
14 multiple performance bonuses that
15 increase their earning potential.
16 While all of these things are far
17 from common in my industry and are
18 by no means required, I see them as
19 necessities and am proud to be an
20 employer who offers more than the
21 bare minimum for my staff.

22 While I know that I
23 could keep literally tens of
24 thousands of dollars in my pocket

1 every year by not offering these
2 unrequired benefits, I truly
3 believe these employee-focused
4 expenditures pay for themselves in
5 retention and a happy work
6 environment.

7 All this leads to the
8 reason I am here today testifying
9 in favor of the POWER Act. It's
10 because I don't only take pride in
11 providing for my employees, I also
12 take pride in the business
13 community that my barbershop exists
14 in. I want Winsome to exist in the
15 city with a world-class business
16 environment surrounded by fellow
17 entrepreneurs with a similar amount
18 of honor and who care for the well-
19 being of the employees they are
20 responsible for.

21 I do not want my
22 barbershop to get lumped in with a
23 culture of bad business actors who
24 abuse their employees' time via

1 committing wage theft, are too
2 cheap or unorganized to uphold
3 simple recordkeeping systems or who
4 simply want to exist in the shadows
5 without the threat of being held
6 accountable.

7 The more I learn about
8 the POWER Act and its ability to
9 give domestic workers bill of
10 rights some much needed teeth as
11 well as reading the weak
12 refutations of its detractors, it's
13 become abundantly clear to me that
14 the passing of this legislation
15 boils down to just a few simple
16 questions, which I'll pose to those
17 in attendance today:

18 Do you care about having
19 good businesses in Philadelphia?
20 Do you think employees of
21 Philadelphia should go home after a
22 long day of work feeling fulfilled
23 and well cared for? And do you
24 enjoy getting paid on time and in

1 full for the work that you do?

2 If you answered no to
3 any of these, I personally don't
4 believe you belong owning a
5 business in Philadelphia. And if
6 your answer to these questions was
7 yes, which I genuinely hope they
8 were, then voting in favor of the
9 POWER Act should be a no-brainer.

10 (Applause.)

11 MS. ZAVALA: Hello.

12 Thank you for having me. My name
13 is Jennifer Zavala. I own Juana
14 Tamale in South Philadelphia and
15 I'm a 30-year industry vet. I am
16 here to speak in support of the
17 POWER Act because we are long
18 overdue for legislation that
19 protects workers, not just in
20 theory but in action.

21 At every level we see
22 exploitation baked into our
23 systems. It is workers labor,
24 ideas, energy, that keeps every

1 industry alive. Yet time and time
2 again workers are the ones left
3 unprotected, the ones who are
4 overworked, underpaid, retaliated
5 against or overlooked. This is the
6 system.

7 Exploitation doesn't
8 just look like a bad boss or toxic
9 work culture. It looks like the
10 way tariffs and trade policies
11 shift the weight of economic burden
12 onto the workers while corporate
13 interests remain shielded. It
14 looks like industries that ask for
15 more output, more hours and more
16 sacrifice while offering no
17 protection in return.

18 It looks like the city
19 allowing employers to exploit
20 workers with no recourse. And if
21 we don't resist exploitation, if we
22 don't name it, if we don't
23 legislate it, if we don't hold it
24 accountable, we cosign on it, not

1 just for ourselves but on a
2 national and global level.

3 This bill is about
4 power, real power, and who gets to
5 hold it. Right now it's not the
6 people doing the actual work and
7 that must change. The POWER Act
8 gives workers tools. It gives them
9 rights, but it also sends a
10 message. We will not allow
11 retaliation and abuse to be the
12 cost of speaking out and I know
13 this all too well.

14 As a restaurant owner, I
15 want my workers to feel that they
16 can speak up and create changes
17 that make the workplace better. To
18 me, that is a sign of a healthy
19 business. I urge you to not just
20 pass this bill, but to fund it,
21 enforce it and stand behind it with
22 urgency that the worker
23 exploitation demands. Because if
24 we don't take the stand now, we're

1 agreeing to systems that see people
2 as expendable. Thank you so much.

3 (Applause.)

4 COUNCILWOMAN GILMORE

5 RICHARDSON: Thank you. Thank you
6 very much for your testimony and
7 thank you for being here and taking
8 time away from your small
9 businesses and our great city to
10 join us here in Council chambers.
11 We appreciate you being here.

12 Any questions for these
13 witnesses?

14 (No response.)

15 COUNCILWOMAN GILMORE

16 RICHARDSON: Okay. Seeing none, if
17 the Clerk would please call the
18 next witnesses.

19 THE CLERK: That
20 concludes the scheduled panel so
21 we'll now move on to public
22 comment. If I call your name and
23 you would still like to offer
24 comment, please come up. But if

1 not, you may stay seated.

2 Haley Daniera, Jorge

3 Nicole, Craig Horton and Andy

4 Moholt.

5 (Witnesses approached
6 witness table.)

7 COUNCILWOMAN GILMORE

8 RICHARDSON: All right. Please
9 state your name for the record and
10 proceed with a summarized version
11 of your testimony. And then after
12 this, we need to break so that we
13 can go through this process.

14 MR. HORTON: Good
15 afternoon, Committee members and
16 City Council. My name is Craig
17 Horton. I am from Philadelphia and
18 have worked here in the surrounding
19 counties through temp agencies for
20 about 10 years. I'm also a member
21 of the Philly Black Worker Project,
22 where I found space to talk about
23 my issues at the workplace and
24 think about how we can make them

1 better.

2 I am here today to tell
3 my stories to get the POWER Act
4 passed. This legislation will keep
5 the employers honest. I have
6 worked for people who have sat
7 there and cut corners then fired
8 workers as a result. (Inaudible)
9 is where I worked through the temp
10 agency, which was best packing. I
11 was there from November 2020 to
12 December 2021 as a forklift driver.
13 During that time, I never saw any
14 OSHA regulations.

15 There was a guy that I
16 worked with, passed out on the
17 truck. We called the supervisor
18 over the radio. He reprimanded us
19 for doing so. People would get
20 injured. It was one young lady
21 that got injured, had a six-inch
22 scar on her forehead. When she
23 sued, they fired her. What
24 concerns me is the backlash workers

1 get from speaking on their rights.

2 With this POWER Act,
3 when workers rights are violated we
4 have to have a time frame for these
5 responses. Response times need to
6 be quicker. Bosses don't wait to
7 retaliate. Our legislation names
8 90 days after incident and it will
9 still be retaliation. It is
10 experiences like this is why we
11 need the POWER Act. If I had to go
12 back into temp work with the POWER
13 Act, I am confident that they would
14 not be able to pull a wool over my
15 eyes like they did before. Thank
16 you.

17 (Applause.)

18 COUNCILWOMAN GILMORE

19 RICHARDSON: Thank you. Thank you
20 very much for your testimony.
21 Thank you for being here today. We
22 certainly appreciate your
23 participation at this hearing.

24 THE CLERK: Is there

1 anyone else present who'd like to
2 offer comment?

3 MR. MOHOLT: Hi. Yes.
4 Good morning. My name is Andy
5 Moholt. I'm a union steward for
6 OPEIU Local 32 here representing
7 the standardized patients of
8 Jefferson University. We're the --
9 thank you. First of all, I want to
10 say we stand here in solidarity
11 with all the workers here. Thank
12 you for being here today. We
13 unilaterally support the POWER Act.

14 The reason why we are
15 here today is to talk specifically
16 about healthy family leave. I was
17 actually a guest of Councilmember
18 O'Rourke's hearing for the
19 budgetary address by Mayor Parker a
20 few weeks ago. To handle this
21 exact issue, I understand that it's
22 going to be handled in a different
23 amendment. But there's an issue
24 with the healthy family leave

1 ordinance in that there's an
2 exemption for members of a
3 collective bargaining agreement.
4 So the way it's affected us is that
5 we basically got our union and then
6 Jefferson took away all our sick
7 leave, which is kind of insane that
8 a hospital took away our paid sick
9 leave, but that's what they did.

10 Now, they're trying to
11 make us use a doctor's note to use
12 the sick leave, which is crazy
13 because that makes us have to pay a
14 co-pay back into the system just to
15 prove that we're sick, which is a
16 little ridiculous. So we're here
17 specifically to advocate for that.
18 Again, I know it's going to be
19 handled in a different amendment,
20 but we also want to say, like I
21 said, we're here in solidarity with
22 all the workers and we support the
23 POWER Act. And we just wanted to
24 advocate for the change in the

1 exemption to make sure that workers
2 under a collective bargaining
3 agreement can still get their
4 healthy family leave. Thank you.

5 (Applause.)

6 COUNCILWOMAN GILMORE

7 RICHARDSON: Thank you. Thank you
8 very much for your testimony and
9 thank you very much for being here.

10 Okay. Are there any
11 further witnesses, panels or
12 comments today?

13 (No response.)

14 COUNCILWOMAN GILMORE

15 RICHARDSON: Okay. Seeing none, we
16 will now conclude this portion of
17 the hearing for Bill No. 250065.
18 We will break prior to going into
19 the public meeting, so we are
20 taking a break and we'll come back
21 into the public meeting shortly.
22 Thank You.

23 (Recess.)

24 COUNCILWOMAN GILMORE

1 RICHARDSON: Good afternoon,
2 everyone. Thank you all so very
3 much for being here.

4 I just want to take a
5 point of personal privilege to
6 thank our Council staff, all the
7 technical staff, the Law
8 Department, our stenographer,
9 translator, reporters who were
10 here, but each and every one of you
11 who stayed, but I just want to
12 thank the team members who did the
13 work for the last three hours. We
14 thank you all so very much.

15 (Applause.)

16 COUNCILWOMAN GILMORE

17 RICHARDSON: And to my colleagues
18 who helped us work through this
19 process, I want to say thank you to
20 each one of you for staying and for
21 being here. We certainly
22 appreciate you.

23 What I'm going to do is
24 now ask the Clerk to call the roll

1 to take attendance. Members that
2 are in attendance will please
3 indicate you are present when your
4 name is called.

5 THE CLERK:
6 Councilmember Squilla.

7 COUNCILMAN SQUILLA:
8 Present.

9 THE CLERK:
10 Councilmember Bass.

11 COUNCILWOMAN BASS:
12 Present.

13 THE CLERK:
14 Councilmember Phillips.

15 COUNCILMAN PHILLIPS:
16 Present.

17 THE CLERK: Vice-Chair
18 Brooks.

19 COUNCILWOMAN BROOKS:
20 Present.

21 THE CLERK: And, Chair
22 Gilmore Richardson.

23 COUNCILWOMAN GILMORE
24 RICHARDSON: I am present. Thank

1 you. A quorum of this Committee is
2 present. Prior to recognizing
3 Councilmember Brooks for a motion
4 on the amendment to Bill No.
5 250065, I'm going to take this
6 opportunity to read the summary of
7 the amendments to the POWER Act for
8 the record and then I'll recognize
9 the Councilmember for the motion.

10 Summary of amendments to
11 POWER Act: Burden of proof,
12 placing the burden of proof on
13 workers to prove that they did not
14 receive the required notice of
15 rights before any extension of the
16 statute of limitations. The POWER
17 Act statute of limitations are
18 equal to those used by the federal
19 government for similar laws as well
20 as those in Chicago, Los Angeles,
21 Seattle and many other cities as
22 referenced in 9-66075. Clarifying
23 that an employer is liable for
24 retaliation only when an employee's

1 protected activity is a factor in
2 adverse action against them as
3 referenced in 9-65033. Removing a
4 requirement that an employer's
5 adverse action against a worker be
6 for just cause as in 9-65034.
7 Requiring the disclosure of the
8 identity of a complainant and if It
9 is necessary to allow the employer
10 a fair opportunity to respond to an
11 allegation, 9-66034. Removing an
12 employer's intent to harass the
13 complainant from the definition of
14 what constitutes an adverse action
15 against the worker, 9-65011.
16 Increase employer flexibility,
17 narrowing the definition of
18 protected activity by requiring
19 that a worker show that the
20 employer knew about the worker's
21 action before the worker receives
22 protection against retaliation,
23 9-65024. Requiring that a person
24 to whom a worker makes the

1 complaint be affiliated with the
2 company for the action to qualify
3 as a protected activity as noted in
4 9-650111. Bad actors database,
5 requiring that a company make three
6 or more labor violations before
7 they are placed on the bad actors
8 database, as referenced in
9 9-66082A. Requiring the location
10 of the employer be listed on the
11 bad actors database so as to
12 protect the brand of a franchisor
13 or other locations that do not have
14 violations. Removing the
15 requirement around the address of
16 employers, 9-66082B.2. Allow the
17 removal of an employer from the bad
18 actors database when there is a
19 meaningful change in the ownership,
20 as noted in 9-66082B.3.
21 Enforcement, permitting the
22 administration to extend the
23 timeline for an employer to send
24 records involved in a complaint as

1 9-41082. Reinserting the proper
2 party term to narrow the complaints
3 that the Department of Labor
4 investigates, 9-43016. Remove the
5 notice requirement under the
6 retaliation provision of the POWER
7 Act, 9-6506. Clarity that all
8 changes to recordkeeping and
9 statute of limitations will take
10 place going forward to provide
11 employers time to adjust to POWER
12 Act provisions will be added by Law
13 Department. Created a small
14 employer carve-out for notice
15 related presumed damages under the
16 Domestic Workers Bill of Rights,
17 45074B.4. Additional amendments
18 and the promoting health families
19 and workplaces, protecting victims
20 of retaliation and wage theft
21 complaints requiring notice and a
22 15-day cure period before private
23 right of action can be brought
24 unless willful misconduct or

1 retaliation. For the Domestic
2 Workers Bill of Rights, requiring
3 written notice and a 30-day cure
4 period for damages and penalties
5 concerning written contract
6 notification of bill of rights and
7 recordkeeping.

8 The Chair now recognizes
9 Councilmember Brooks for a motion
10 on the amendment to Bill No.
11 250065.

12 COUNCILWOMAN BROOKS:
13 Thank you, Madam Chair.

14 I offer an amendment to
15 Bill No. 250065. A copy of the
16 amendment has been circulated to
17 all members of this Committee. I
18 move that the amendment for Bill
19 No. 250065 be approved.

20 (Duly seconded.)

21 COUNCILWOMAN GILMORE
22 RICHARDSON: The Chair notes for
23 the record that Councilmember
24 Phillips seconds the motion. It

1 has been moved and properly
2 seconded that the amendment to Bill
3 No. 250065 be approved.

4 All those in favor of
5 the motion will signify by stating
6 aye.

7 (Aye.)

8 COUNCILWOMAN GILMORE

9 RICHARDSON: Those opposed?

10 (No response.)

11 COUNCILWOMAN GILMORE

12 RICHARDSON: The ayes have it and
13 the motion carries.

14 The Chair recognizes
15 Councilmember Brooks for a motion
16 on Bill No. 250065 as amended.

17 COUNCILWOMAN BROOKS:

18 Thank you, Madam Chair.

19 I move that Bill No.
20 250065 as amended be reported from
21 this committee with a favorable
22 recommendation and further move
23 that the rules of Council be
24 suspended to permit first reading

1 of this bill at the next session of
2 Council.

3 (Duly seconded.)

4 COUNCILWOMAN GILMORE

5 RICHARDSON: The Chair notes for
6 the record that Councilmember
7 Phillips seconds.

8 It has been moved and
9 properly seconded that Bill No.
10 250065 as amended be reported from
11 this committee with a favorable
12 recommendation and further move
13 that the rules of Council be
14 suspended as to permit first
15 reading of this bill at the next
16 session of Council.

17 All those in favor will
18 signify by stating aye.

19 (Aye.)

20 COUNCILWOMAN GILMORE

21 RICHARDSON: Those opposed?

22 (No response.)

23 COUNCILWOMAN GILMORE

24 RICHARDSON: The ayes have it and

1 the motion carries.

2 There being no further
3 questions from members of the
4 committee and no other witnesses --

5 (Applause.)

6 COUNCILWOMAN GILMORE

7 RICHARDSON: -- and no further
8 names for public comment, this
9 concludes the business before the
10 Committee on Law and Government
11 today. Thank you all so very much.

12 (Committee on Law and
13 Government concluded at 3:15 p.m.)

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

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

A handwritten signature in cursive script, reading "Taneha Carroll", is written over a horizontal line.

TANEHA CARROLL
Court Reporter - Notary Public

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