

Committee on Labor and Civil Service
June 7, 2017

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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LABOR AND CIVIL SERVICE

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, June 7, 2017
1:10 p.m.

PRESENT:

COUNCILWOMAN CHERELLE L. PARKER, CHAIR
COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILMAN ALLAN DOMB
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN AL TAUBENBERGER

BILL 170366 - An ordinance amending Section
21-105 of The Philadelphia Code, entitled
"Hero Awards," by increasing the amount that
may be awarded to family members of
firefighters, police officers, and prosecution
detectives killed in the course of performing
heroic deeds...

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COUNCILWOMAN PARKER: Good
afternoon, Council President Clarke,
Councilmember Domb, Vice Chair O'Neill --
I know he's on his way -- and Councilman
Taubenberger -- this is testimony that
I'm reading that someone else is going to
give. Just bear with me a second.
So good afternoon. This
hearing is called to order. This is the
public hearing of the City Council
Committee on Labor and Civil Service.
The purpose of this public hearing is to
hear testimony on Bill No. 170366.
I recognize that the presence
of a quorum of Committee members are
present. Members of the Committee in
attendance are Councilman Domb,
Councilmember Taubenberger, our
President, Council President Clarke is
here, I am here, and we do know that our
Vice Chair O'Neill and Councilmember
Sanchez are on their way.
Are there -- and Councilwoman
Sanchez is walking in as we speak.

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2 We're going to ask Councilman
3 Taubenberger, the sponsor of Bill No.
4 170366, to make some comments relative to
5 the subject of this bill.

6 COUNCILMAN TAUBENBERGER: Madam
7 Chair, thank you very much. And this
8 bill hopes to address a problem for many
9 people. It is a deeply personal problem
10 to me in that my son is a Pennsylvania
11 State Trooper and many a night I lay
12 awake worrying about his safety and
13 dreading what would become of his family
14 and his wife if, God forbid, he should
15 die in the line of duty.

16 We as a city need to do more to
17 protect our police officers, our
18 firefighters, our paramedics, our EMTs,
19 and raising the amount of the Hero Awards
20 is really a great start. And we have
21 asked for an increase in this amount, but
22 hopefully, Madam Chair and members of the
23 Committee, it is my wish and hope that
24 none of this ever has to be spent, that
25 none of this ever has to be allocated. I

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2 think it is a great start, though, to
3 show the families that we care deeply.
4 It is something in addition that might
5 help a significant burden in a very
6 burdensome situation. Once again,
7 hopefully it never has to be spent.

8 Madam Chair, thank you.

9 COUNCILWOMAN PARKER: Thank
10 you, Councilman Taubenberger.

11 Will the Clerk now read the
12 title of the bill being considered today.

13 THE CLERK: Amending Section
14 21-105 of The Philadelphia Code, entitled
15 "Hero Awards," by increasing the amount
16 that may be awarded to family members of
17 firefighters, police officers, and
18 prosecution detectives killed in the
19 course of performing heroic deeds, and by
20 making certain technical changes; all
21 under certain terms and conditions.

22 COUNCILWOMAN PARKER: Thank
23 you. Will the Clerk please call up the
24 first witness to testify on the bill, the
25 first panel.

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2 So it's just one. Why don't we
3 have the entire panel to come forward.

4 THE CLERK: Francis T. Healy,
5 Special Advisor to the Police
6 Commissioner; Adam K. Thiel, Fire
7 Commissioner; Nick DeNofa, Vice President
8 of the Fraternal Order of Police, Lodge
9 5; Ed Marks, President, Firefighters
10 Union, Local 22.

11 (Witnesses approached witness
12 table.)

13 COUNCILWOMAN PARKER: Let me
14 say good afternoon to each of you, and as
15 you're ready to proceed, I just ask that
16 you state your name for the record and
17 feel free to proceed with your testimony.
18 And thank you for being here.

19 COMMISSIONER THIEL: Thank you
20 and good afternoon, Chairwoman Parker and
21 members of the Committee on Labor and
22 Civil Service. I am Adam Thiel,
23 Commissioner of the Philadelphia Fire
24 Department. I am here today to testify
25 in support of Bill No. 170366 sponsored

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2 by Councilmembers Taubenberger, Domb,
3 O'Neill, Parker, and Council President
4 Clarke, which seeks to increase the
5 amount awarded to family members of
6 firefighters, police officers, and
7 prosecution detectives killed in the
8 course of performing heroic deeds.

9 The Hero Award, which currently
10 stands at \$25,000, was last increased in
11 2002. The cost of living has gone up
12 since then, and Bill No. 170366 would
13 help close this gap by raising the award
14 to \$35,000. The bill would also shorten
15 the period over which the funds are
16 distributed, from 50 months to 35 months.
17 Both changes would signal strong support
18 for grieving families.

19 Firefighters have been serving
20 Philadelphia for more than 280 years.
21 They risk their lives every day to
22 protect the residents of this city. When
23 they make the ultimate sacrifice, the
24 City should honor that loss and support
25 the family members left behind. Our

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2 colleagues in law enforcement deserve the
3 same recognition.

4 Thank you for inviting me to
5 testify in support of this important
6 legislation. I would be happy to answer
7 any questions. And, further, I
8 understand there has been an amendment
9 proposed, and we are in full support of
10 that amendment.

11 Thank you.

12 MR. MARKS: Good afternoon,
13 Council. My name is Edward Marks. I'm
14 Vice President of Local 22 of the
15 International Association of Professional
16 Firefighters and Paramedics. I'm honored
17 to be here today speaking on a matter as
18 important as this. I'd first like to
19 thank Councilman Taubenberger for
20 introducing this amendment to the current
21 legislation. It isn't often that we have
22 the ability to address these kinds of
23 matters. Usually we're focusing our time
24 and energy on trying to prevent the
25 tragedies the Hero Award recognizes.

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2 I speak for myself and the men
3 and women I represent in thanking you for
4 taking the time to take this proposal
5 into consideration. Like the
6 Commissioner said, when Councilman
7 Taubenberger told me about this, I did
8 some research and found out that the Hero
9 Award was established in 1953. The last
10 time there was any changes made to it was
11 15 years ago where it was raised to
12 \$25,000, and that was proposed by
13 then-Councilman Jim Kenney.

14 I'd like to give you a brief
15 history of my career in the Fire
16 Department. I was appointed to the
17 Department in 1974 and I served for 38
18 years, advancing through the ranks from
19 firefighter to lieutenant, captain, and
20 then my last ten years as a battalion
21 chief. In the span of 38-plus years that
22 I was in, 44 people died in the line of
23 duty, 44 people in 38 years. That's 44
24 families who watched their loved one go
25 off to work and didn't return that day,

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2 44 families whose lives were changed
3 forever. But the men and women of this
4 proud Department know these risks and
5 continue to answer the bell and respond
6 to all types of emergencies.

7 My first two years as battalion
8 chief, I was assigned up at the Academy
9 as Deputy Director of Training. That was
10 a pretty rewarding assignment, being up
11 there with the training, especially when
12 we trained new recruits. But the
13 downside of being assigned up at the
14 Academy is that it's the Academy's
15 responsibility to bury our lost members
16 when they die in the line of duty.

17 In the two years that I was up
18 there, I had to handle four. It was
19 Firefighter Jim Allen, Lieutenant Derrick
20 Harvey, Captain John Taylor, and
21 Firefighter Rey Rubio. I'm sure most
22 everyone in this room attended the
23 funeral of a fallen firefighter or police
24 officer. It's quite impressive when you
25 see the turnout of our members and the

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2 members from outside departments. You
3 see the ceremonies, the formations, the
4 processions to the cemeteries. There's
5 civilians along the procession route.
6 They're holding flags, saluting our
7 fallen members, and bowing their head and
8 saying prayers.

9 But our duties don't stop after
10 the funeral. We continue to support the
11 families through this terrible adjustment
12 period with counseling and any other
13 support that we can offer.

14 I sit here today confident and
15 proud that I am able to tell you that the
16 brave men and women that don our uniforms
17 are some of the very best individuals
18 that this city has produced. They do
19 their work not for the glory or the
20 accolades, not for the money or the
21 rewards. They do their work because it's
22 a life calling.

23 Having seen firsthand the
24 sorrow and the hardships that a
25 line-of-duty death places on our members'

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family, I can tell you that this award has an immediate impact on helping the family through these difficult times. It is unfortunate, but often the member that dies is usually the breadwinner of the family. By increasing this level of this award, what we are telling our heroes is in that we, the City of Philadelphia, are there for them and their families as they were there for us.

Thank you.

CAPTAIN HEALY: Thank you.

Good afternoon, Chairwoman Parker and members of the Committee on Labor and Civil Service. My name is Francis Healy and I'm Special Advisor to Commissioner Ross. On behalf of the Commissioner, I would like to thank you for giving the Police Department the opportunity to voice its opinion regarding Bill No. 170366 relating to Hero Awards.

As you know, the current Hero Award set forth in City Code 21-105 is \$25,000 awarded to the surviving spouse

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2 or dependent children or dependent
3 parents of every firefighter or police
4 officer and detective as well killed in
5 the course of performing a heroic deed.
6 The payment of this amount is currently
7 \$500 stretched over a 50-month period.

8 I am here today to fully
9 support increasing this award to \$35,000.
10 I also understand the amendment is up to
11 50. We fully support that as well.

12 The fear of the police
13 officers -- and I'm sure the same is true
14 for firefighters -- is not the dangers we
15 face each day. The brave men and women
16 of our Police and Fire Departments run
17 towards danger willingly to serve and
18 protect. Rather, the top fear of these
19 men and women is not being there to
20 support their families. To the families,
21 money can never replace the heroes we
22 lose, but to those police and
23 firefighters on the street today, this
24 bill will show that the City cares about
25 them and, equally important, about their

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2 families.

3 So on behalf of my Commissioner
4 and my officers, I would like to thank
5 Councilman Taubenberger, Councilman Domb,
6 Councilwoman Parker, and Council
7 President Clarke for introducing this
8 bill.

9 At this time, I'd be happy to
10 answer any questions. This concludes my
11 testimony.

12 Thank you.

13 COUNCILWOMAN PARKER: Now we
14 will hear the best testimony.

15 MR. DeNOFA: Good afternoon.
16 Good afternoon, Council President Clarke,
17 Chairperson Parker, Councilman Domb,
18 Taubenberger, Maria Sanchez, and O'Neill.
19 On behalf of President John McNesby, my
20 name is Nick DeNofa. I'm one of the Vice
21 Presidents of the Fraternal Order of
22 Police. I would like to personally thank
23 this Committee for your consideration and
24 the Heroes Award bill increase.

25 No amount of money can ever

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replace a family member who was suddenly
destroyed by violence. This is
particularly true when the family members
are public servants who voluntarily give
up their lives for their fellow citizens.
Nevertheless, the Fraternal Order of
Police deeply appreciates the compassion
and generosity demonstrated by this
Council and the creation of the Heroes
Award.

The financial assistance
provided by the Heroes Award helps take
one new burden off the shoulders of a
grief-stricken family. However, with
everything else, costs have steadily
risen since the original bill was passed
at its fixed amount. This is the reason
we are respectfully requesting a generous
increase in the amount offered. The
additional funds will allow you to
compensate future families with the same
level of generosity that you have shown
the families in the past.

On behalf of our members and

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2 their families, we are counting on your
3 continued compassion and support.

4 Thank you.

5 COUNCILWOMAN PARKER: Thank
6 you.

7 Let me thank you all for your
8 testimony. And for the record, let me
9 acknowledge that one of the bill's
10 co-sponsors and the Vice Chair of the
11 Labor and Civil Service Committee,
12 Councilman O'Neill, is present. So thank
13 you, Councilman O'Neill, for being here.

14 And I see three lights on thus
15 far. We'll start with you, Councilman,
16 go to Councilwoman Sanchez, and then to
17 you, Councilman Domb.

18 COUNCILMAN O'NEILL: Just a
19 couple of quick things. One, I want to
20 thank and congratulate Councilman
21 Taubenberger for bringing this proposal
22 to the Council in the form of a bill, but
23 also obviously working with the parties
24 to increase it. I know it was based on
25 discussions and outreach. But, thirdly,

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2 the Administration, two Commissioners
3 here and represented. In the last term,
4 I'm not sure that we would have not had
5 some pushback, and it's nice to know that
6 everybody feels exactly the same way and
7 that this is not a money issue, this is a
8 do-it-right issue. And I just want to
9 thank the Administration as well and
10 point out that that was noticed.

11 Thank you.

12 COUNCILWOMAN PARKER:

13 Councilwoman Sanchez.

14 COUNCILWOMAN SANCHEZ: Thank
15 you. I also want to thank my colleague.
16 He was lobbying last night. I was like,
17 this is a no-brainer one. But I did have
18 some logistical questions for Healy in
19 terms of do all of the survivors get
20 grandfathered? Are people going to be
21 able to go back and receive additional
22 money or this is moving forward? So
23 everyone who is entitled, what's that
24 universe look like?

25 CAPTAIN HEALY: It would be my

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2 understanding -- I can't speak for the
3 Law Department's interpretation of the
4 code, but the code would be not
5 retroactive. So the individuals that
6 were killed committing heroic acts prior
7 to the enactment of this amendment would
8 be entitled to the \$25,000. So every
9 time the amendment goes up, it doesn't go
10 retroactive. That would be my
11 understanding.

12 COUNCILWOMAN SANCHEZ: Okay.
13 That's an important note to have.

14 And so this is only for new
15 folks moving forward?

16 CAPTAIN HEALY: That's my
17 understanding, yes, ma'am.

18 COUNCILWOMAN SANCHEZ: No one
19 who is currently on the payment?

20 CAPTAIN HEALY: I believe there
21 are. I'm not --

22 COUNCILWOMAN SANCHEZ: So they
23 wouldn't be eligible?

24 CAPTAIN HEALY: I don't believe
25 so.

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2 COUNCILWOMAN SANCHEZ: Okay.

3 Good to know.

4 All right. Thank you very
5 much. I'm happy to support this.

6 COUNCILWOMAN PARKER: Thank
7 you.

8 Councilman Domb.

9 COUNCILMAN DOMB: Thank you,
10 Madam Chairwoman.

11 And thank you to this
12 illustrious panel, by the way, for being
13 here today. I want to thank my colleague
14 Councilman Taubenberger. This is a good
15 bill. I just have a couple questions I
16 wanted to understand.

17 God forbid we have a loss in
18 the future, is there life insurance for
19 Police and Fire that also add additional
20 benefits to the families?

21 CAPTAIN HEALY: It's my --
22 yeah. He can speak to -- I do believe
23 there's both federal and state money
24 available to police and firefighters
25 killed or died in the line of duty. I

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2 believe so, yes. So there's other money
3 available, not just the \$25,000 or
4 \$35,000.

5 COUNCILMAN DOMB: Do you know
6 what the amount of life insurance would
7 be available?

8 CAPTAIN HEALY: If you --

9 COMMISSIONER THIEL:

10 Councilman, I think it actually varies
11 depending on the individual, because
12 folks generally have a choice about
13 whether to elect higher amounts of
14 coverages. The benefit -- there is a
15 federal benefit, the Public Safety
16 Officers Benefit, that's administered
17 through the Department of Justice. One
18 of the challenges with that, although
19 certainly it's appreciated, it generally
20 takes a fair amount of time to get
21 through the federal process. So this is
22 actually one of the earliest forms of
23 assistance that the City can provide
24 while they're waiting for -- the
25 survivors are waiting for the state

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2 monies to become available or the federal
3 process to unfold.

4 And then the life insurance, it
5 really is sort of a case-by-case basis.
6 We can -- that really would be a Risk
7 Management. Probably they could answer
8 that question more precisely, and we can
9 get back to you with an answer through
10 them, if you want.

11 COUNCILMAN DOMB: I just feel
12 like this is great that my colleague is
13 increasing it, but the amount even we're
14 giving is extremely low in today's world.
15 It's embarrassing to say \$50,000 for
16 someone that lost his life. I would like
17 to see us have a life insurance program
18 where it's several hundred thousand
19 dollars that the family gets. I mean,
20 this is a big deal. And maybe there's a
21 way to leverage, by the way, the 50,000 a
22 year into much bigger life insurance for
23 those who actually get affected. So
24 that's why I think we should look at
25 that, because maybe this is a good start,

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2 but it can be leveraged into something
3 much better.

4 Thank you. Thanks for being
5 here today.

6 COUNCILWOMAN PARKER:
7 Councilman Taubenberger.

8 COUNCILMAN TAUBENBERGER: Thank
9 you, Madam Chair, and thank you for your
10 leadership in calling the Committee
11 together and being supportive of the
12 entire process and being a co-sponsor to
13 this.

14 I want to thank the panel for
15 their service, obviously their testimony,
16 and their willingness to work with us,
17 and also the Administration. I think it
18 does send a very, very important note
19 that the Kenney Administration is
20 supportive of these measures. I thank
21 you all.

22 And, Madam Chair, whenever
23 you're set for my motion, I will do that.

24 COUNCILWOMAN PARKER: Sure.
25 Thank you.

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2 Is there anyone else present
3 who wishes to testify on Bill No. 170366?

4 (No response.)

5 COUNCILWOMAN PARKER: So
6 hearing none, this concludes the public
7 hearing.

8 We will now go into a public
9 meeting to consider the action to be
10 taken on the bill that was heard today.

11 The Chair recognizes
12 Councilmember Taubenberger for a motion
13 on the amendment to Bill No. 170366.

14 COUNCILMAN TAUBENBERGER: Madam
15 Chair, I offer an amendment to Bill No.
16 170366. A copy of this amendment has
17 been circulated to all members of the
18 Committee, and I move that the amendment
19 to Bill No. 170366 be approved.

20 (Duly seconded.)

21 COUNCILWOMAN PARKER: It has
22 been moved and properly seconded that the
23 amendment to Bill No. 170366 be approved.

24 All those in favor of the
25 motion will signify by saying aye.

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2 (Aye.)

3 COUNCILWOMAN PARKER: Those
4 opposed?

5 (No response.)

6 COUNCILWOMAN PARKER: The ayes
7 have it and the motion carries, and the
8 amendment to Bill No. 170366 has been
9 approved.

10 The Chair now recognizes
11 Councilmember Taubenberger for a motion
12 on Bill No. 170366, as amended.

13 COUNCILMAN TAUBENBERGER: Thank
14 you, Madam Chair. I move that Bill No.
15 170366, as amended, be reported from this
16 Committee with a favorable recommendation
17 and further move that the rules of
18 Council be suspended to permit first
19 reading of this bill at the very next
20 session of Council.

21 (Duly seconded.)

22 COUNCILWOMAN PARKER: It has
23 been moved and properly seconded that
24 Bill No. 170366, as amended, be reported
25 from this Committee with a favorable

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2 recommendation and further moved that the
3 rules of Council be suspended to permit
4 first reading of this bill at the next
5 session of Council.

6 All those in favor of the
7 motion will signify by saying aye.

8 (Aye.)

9 COUNCILWOMAN PARKER: Those
10 opposed?

11 (No response.)

12 COUNCILWOMAN PARKER: The ayes
13 have it and the motion carries, and Bill
14 No. 170366, as amended, will be reported
15 from this Committee with a favorable
16 recommendation with a request that the
17 rules of Council be suspended to permit
18 first reading at the next session of
19 Council.

20 While this concludes the
21 business of the Committee on Labor and
22 Civil Service today, we want to thank
23 each and every one of you for
24 participating today. And for those at
25 home who are watching, I do want to say

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2 to you, Councilman Taubenberger, again a
3 special thanks for your leadership on
4 this issue, but I think Vice Chairman
5 Councilman O'Neill hit the hammer
6 directly on top of the nail when he noted
7 that the kumbaya togetherness that was
8 reached in order to move this forward, if
9 we can find a way, Councilman O'Neill, to
10 duplicate that in all other areas of
11 government and policy that we're working
12 on, it would definitely be a move in the
13 right direction.

14 So thank you, Councilman
15 Taubenberger, for your leadership, and
16 thank each and every one of you for
17 participating. Have a good day.

18 (Committee on Labor and Civil
19 Service concluded at 1:30 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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